



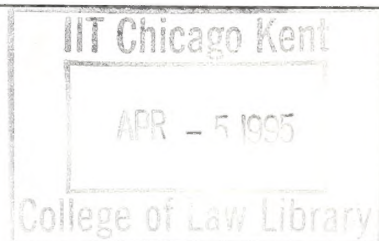
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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Numbers: Proposed Action:
1.100 Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.25g
- 5) A Complete Description of the Subjects and Issues Involved: These amendments set forth the procedures and application format for submitting to the State Board of Education a request for waiver or modification of State Board of Education rules and of School Code mandates.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this rulemaking contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 9) Are there any other proposed rulemakings pending on this part? Yes.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1.280	Amendment	18 Ill. Reg. 18180
1.420	Amendment	18 Ill. Reg. 18180
1.440	Amendment	18 Ill. Reg. 18180
1.445	New Section	18 Ill. Reg. 18180
1.540	Repeal	18 Ill. Reg. 18180
1.610	Amendment	18 Ill. Reg. 18180

- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, IL 62777

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

(217) 782-0541

- 12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.
- 13) State reasons for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: The legislation prompting this rulemaking was enacted after January 1, 1995.

The full text of the proposed rule(s) is identical to that of the emergency amendment found on page 5139.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Primary Drinking Water Standards2) Code Citation: 35 Ill. Adm. Code 6113) Section Numbers: Proposed Action:

611.100, 611.101, 611.102 amended
 611.110, 611.111, 611.112 amended
 661.113, 611.125, 611.130 amended
 611.201, 611.212, 611.220 amended
 611.300, 611.301, 611.310 amended
 611.311, 611.325, 611.350 amended
 611.351, 611.354, 611.357 amended
 611.359, 611.363, 611.480 amended
 611.490, 611.500, 611.510 amended
 611.522, 611.523, 611.526 amended
 611.531, 611.560, 611.600 amended
 611.601, 611.603, 611.605 amended
 611.606, 611.609, 611.611 amended
 611.612, 611.630, 611.641 amended
 611.645, 611.646 amended
 611.647 repealed
 611.648, 611.685, 611.860 amended
 611.App. A, 611.Tab. E amended
 611.Tab. Z amended

4) Statutory Authority: 415 ILCS 5/17, 17.5 and 27.

5) A Complete Description of the Subjects and Issues Involved: A more detailed description is contained in the Board's opinion of March 16, 1995 in R94-23/R95-3 (consolidated), which opinion is available from the address below. Sections 7.2 and 17.5 of the Environmental Protection Act (415 ILCS 5/7.2 and 17.5) provide that Sections 5-35 and 5-40 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to first notice or to second notice review by JCAR.

The SDWA program was drawn from 40 CFR 141 (national primary drinking water regulations or NPDRs), 40 CFR 142 (NPDRs implementation), and 40 CFR 143 (national secondary drinking water regulations or NSDWR). This rulemaking updates the Board's SDWA drinking water rules to correspond with amendments adopted by U.S. EPA which appeared in the Federal Register during the period January 1 through December 31, 1994. The nominal update period of the R94-23 docket is from January 1, 1994 through June 30, 1994. The nominal update period of the R95-3 docket is from July 1, 1994 through December 31, 1994. U.S. EPA amended its SDWA regulations three times during the two update periods. The federal actions during the time-frame of this docket were as follows:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

59 Fed. Reg. 33860 (June 30, 1994) (Lead and Copper corrections)

59 Fed. Reg. 34320 (July 1, 1994) (Monitoring for Unregulated Contaminants)

59 Fed. Reg. 62470 (Dec. 5, 1994) (Analytical Methods)

The amendments to the lead and copper rules, adopted by U.S. EPA on June 30, 1994, corrected typographical errors, clarified language, and restored special primary provisions inadvertently omitted by U.S. EPA in earlier rulemaking. U.S. EPA stated that it intended to clarify the regulations in order to simplify implementation. The amendments of July 1, 1994 similarly corrected typographical errors, clarified language, and corrected errors in regulatory text from U.S. EPA's stated intent in the Phase I, Phase II, and Phase V rules. The amendments of December 5, 1994 approved new and updated existing analytical methods. Essentially, these last updates are intended to eliminate multiple uses of procedures, which have resulted in the use of multiple versions of methods for different purposes.

Another related aspect of this update concerns a judicial challenge to the federal lead and copper regulations. In *American Water Works Association v. EPA*, 40 F.3d 1266 (D.C. Cir. 1994), the federal appellate court vacated an aspect of a definition instrumental to implementation of certain of the lead and copper regulations. Although the Board did not base substantive amendments on the federal judicial decision, we added a Board Note to the affected segment of the rules to indicate the action and state its probable impact on the enforceability of the affected rule.

Although the Board generally deals with each update batch separately, we deal with them together in this instance because it is expeditious for the Board and it will avoid misleading the public. The present SDWA amendments of December 5, 1994 affect some of the same provisions as the amendments of June 30, 1994. In at least one key instance (40 CFR 141.89(a)), the amendments of December obviate the amendments of June.

Generally, where such an overlap of substance occurs, the Board is inclined to pull the later amendments forward and deal with them in the earlier docket. This avoids duplication of effort and confusion in the regulated community. This often allows dismissal of the later docket. The Board is dealing with the later amendments together with the earlier amendments and did not delay in this instance for the following reasons:

- 1) The July 1 and December 5, 1994 amendments were directly affected by the June 30, 1994 amendments; and
- 2) Prompt action on the July 1 and December 5, 1994 amendments will facilitate implementation of the regulations.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Although we are dealing with all amendments together, the Board does not believe that outright dismissal of the later R95-3 docket is appropriate; the amendments are major in importance. For these reasons, the Board has consolidated the two proceedings, in order to avoid any possible confusion and to particularly draw the attention of the interested public to both sets of amendments.

The Board also notes that the later amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket.

In addition to the various amendments prompted directly by the federal actions, the Board has made a number of minor amendments on its own initiative. These are generally corrections in format and deletion of outdated provisions and references.

6) Will these proposed amendments replace emergency amendments currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference?

Yes. Section 611.102 is the central listing of all documents incorporated by reference for use throughout Part 611. Major amendments to these incorporations were the purpose of many of the amendments made. These were prompted by the federal updates of existing analytical methods and the approval of new methods.

9) Are there any other amendments pending on this Part? No.

10) Statement of statewide policy objectives:

This rulemaking is mandated by Section 17.5 of the Environmental Protection Act. The statewide policy objectives are set forth in Section 11 of the Act. This rulemaking imposes mandates on units of local government to the extent they supply drinking water to at least 25 of the same persons over 6 months per year.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R94-23/R95-3 and be addressed to:

Mrs. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Direct all questions to Michael J. McCambridge, at 312-814-6924.

12) Initial regulatory flexibility analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: March 20, 1995.
- B) Types of small businesses affected:
This rulemaking will affect only those small businesses that supply drinking water to at least 25 of the same persons over 6 months per year.
- C) Reporting, bookkeeping or other procedures required for compliance:
The existing drinking water rules impose significant reporting, bookkeeping, and other procedures on small businesses that supply drinking water to at least 25 of the same persons over 6 months per year. The proposed amendments add to the existing requirements only to the extent they have corrected errors in the original federally-derived regulations and update analytical procedures and approve new ones for establishing compliance with the regulations.
- D) Types of professional skills necessary for compliance:
Compliance with the existing rules and proposed amendments may require small businesses that supply drinking water to at least 25 of the same persons over 6 months per year to employ the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE F: PUBLIC WATER SUPPLIES
 CHAPTER I: POLLUTION CONTROL BOARD

PART 611

PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

Section

- 611.100 Purpose, Scope and Applicability
- 611.101 Definitions
- 611.102 Incorporations by Reference
- 611.103 Severability
- 611.107 Agency Inspection of PWS Facilities
- 611.108 Delegation to Local Government
- 611.109 Enforcement
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- 611.111 Section 1415 Variances
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- 611.113 Alternative Treatment Techniques
- 611.114 Siting Requirements
- 611.115 Source Water Quantity
- 611.120 Effective Dates
- 611.121 Maximum Containment Levels and Finished Water Quality
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- 611.126 Prohibition on Use of Lead
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- 611.202 Procedures for Agency Determinations
- 611.211 Filtration Required
- 611.212 Groundwater under Direct Influence of Surface Water
- 611.213 No Method of HPC Analysis
- 611.220 General Requirements
- 611.230 Filtration Effective Dates
- 611.231 Source Water Quality Conditions
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- 611.242 Filtered PWSs
- 611.250 Filtration
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- 611.262 Filtered PWSs: Reporting and Recordkeeping

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 611.272 Disinfection following Repair

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section

- 611.280 Point-of-Entry Devices
- 611.290 Use of Point-of-Use Devices or Bottled Water

SUBPART D: TREATMENT TECHNIQUES

Section

- 611.295 General Requirements
- 611.296 Acrylamide and Epichlorohydrin
- 611.297 Corrosion Control

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCL's)

Section

- 611.300 Old MCLs for Inorganic Chemicals
- 611.301 Revised MCLs for Inorganic Chemicals
- 611.310 Old MCLs for Organic Chemicals
- 611.311 Revised MCLs for Organic Contaminants
- 611.320 Turbidity
- 611.325 Microbiological Contaminants
- 611.330 Radium and Gross Alpha Particle Activity
- 611.331 Beta Particle and Photon Radioactivity

SUBPART G: LEAD AND COPPER

Section

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- 611.351 Applicability of Corrosion Control
- 611.352 Corrosion Control Treatment
- 611.353 Source Water Treatment
- 611.354 Lead Service Line Replacement
- 611.355 Public Education and Supplemental Monitoring
- 611.356 Tap Water Monitoring for Lead and Copper
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- 611.358 Monitoring for Lead and Copper in Source Water
- 611.359 Analytical Methods
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

611.130(e)(4), means a source of water and the water therefrom, whether it be from a spring, artesian well, drilled well, municipal water supply, or any other source, that has been inspected and the water sampled, analyzed, and found to be a safe and sanitary quality according to applicable laws and regulations of State and local government agencies having jurisdiction, as evidenced by the presence in the plant of current certificates or notations of approval from each government agency or agencies having jurisdiction over the source, the water it bottles, and the distribution of the water in commerce.

BOARD NOTE: Derived from 40 CFR 142.62(g)(2) and 21 CFR 129.3(a) (1993 1994). The Board cannot compile an exhausting listing of all federal, state, and local laws to which bottled water and bottling water may be subjected. However, the statutes and regulations of which the Board is aware are the following: the Illinois Food, Drug and Cosmetic Act [410 ILCS 620], ~~formerly--Ill--Rev--Stat--1991--ch--56--1-27--par--561--et--seq--77~~ the Bottled Water Act [1815 ILCS 3107 ~~formerly--Ill--Rev--Stat--1991--ch--111--1-27--par--111-1017~~], the DPH Water Well Construction Code (77 Ill. Adm. Code 920), the DPH Water Well Pump Installation Code (77 Ill. Adm. Code 925), the federal bottled water quality standards (21 CFR 103.35), the federal drinking water processing and bottling standards (21 CFR 129), the federal Good Manufacturing Practices for human foods (21 CFR 110), the federal Fair Packaging and Labeling Act (15 U.S.C. subsection 1451 et seq.), and the federal Fair Packaging and Labeling regulations (21 CFR 201).

"Best available technology" or "BAT" means the best technology, treatment techniques or other means that U.S. EPA has found are available for the contaminant in question. BAT is specified in Subpart F of this Part.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Board" means the Illinois Pollution Control Board.

"CAS No" means "Chemical Abstracts Services Number".

"CT" or "CT[calc]" is the product of "residual disinfectant concentration" (RDC or C) in mg/L determined before or at the first customer, and the corresponding "disinfectant contact time" (T) in minutes. If a supplier applies disinfectant at more than one point prior to the first customer, it shall determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or "total inactivation ratio". In determining the total inactivation ratio, the supplier shall determine the RDC of each disinfection sequence and corresponding contact time before any subsequent disinfection application point(s). (See "CT(93.91)")

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

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"CT(99.9)" is the CT value required for 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts. CT(99.9) for a variety of disinfectants and conditions appear in Tables 1-1.6, 2.1 and 3.1 of Section 611.Appendix B. (See "Inactivation Ratio".)

BOARD NOTE: Derived from the definition of CT in 40 CFR 141.2 (19931994).

"Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Community Water System" or "CWS" means a public water system (PWS) that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994). This definition differs slightly from that of Section 3.6 of the Act.

"Compliance cycle" means the nine-year calendar year cycle during which public water systems (PWSs) must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar cycle begins January 1, 1993, and ends December 31, 2001; the second begins January 1, 2002 and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Compliance period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993, to December 31, 1995; the second from January 1, 1996, to December 31, 1998; the third from January 1, 1999, to December 31, 2001.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter or a portion thereof, in which bacterial colonies are not discrete.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Contaminant" means any physical, chemical, biological or radiological substance or matter in water.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation and filtration resulting in substantial particulate removal.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

POLLUTION CONTROL BOARD

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"Diatomaceous earth filtration" means a process resulting in substantial particulate removal in which:

A precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum); and

While the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

BOARD NOTE: Derived from 40 CFR 141.2 (19931224).

"Direct filtration" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

BOARD NOTE: Derived from 40 CFR 141.2 (19931224).

"Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

BOARD NOTE: Derived from 40 CFR 141.2 (19931224).

"Disinfectant contact time" or "T" means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of RDC measurement to a point before or at the point where RDC ("C") is measured.

Where only one RDC is measured, T is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at where RDC is measured.

Where more than one RDC is measured, T is:

For the first measurement of RDC, the time in minutes that it takes for water to move from the first or only point of disinfectant application to a point before or at the point where the first RDC is measured and

For subsequent measurements of RDC, the time in minutes that it takes for water to move from the previous RDC measurement point for which the particular T is being calculated.

T in pipelines must be calculated based on "plug flow" by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe.

T within mixing basins and storage reservoirs must be determined

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by tracer studies or an equivalent demonstration.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Disinfection" means a process that inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Distribution system" includes all points downstream of an "entry point" to the point of consumer ownership.

"Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a PWS with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

BOARD NOTE: Derived from 40 CFR 141.2 (19931324).

"Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Entry point" means a point just downstream of the final treatment operation, but upstream of the first user and upstream of any mixing with other water. If raw water is used without treatment, the "entry point" is the raw water source. If a PWS receives treated water from another PWS, the "entry point" is a point just downstream of the other PWS, but upstream of the first user on the receiving PWS, and upstream of any mixing with other water.

"Filtration" means a process for removing particulate matter from water by passage through porous media.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"GC" means "gas chromatography" or "gas-liquid phase chromatography".

"GC/MS" means gas chromatography (GC) followed by mass spectrometry (MS).

"Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

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"Gross beta particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.
BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Groundwater under the direct influence of surface water" is as determined in Section 611.212.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"GWS" means "groundwater system", a public water supply (PWS) that uses only groundwater sources.

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) & 141.24(f)(2) note (19931994).

"Halogen" means one of the chemical elements chlorine, bromine or iodine.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"HPC" means "heterotrophic plate count", measured as specified in Section 611.531(c).

"Inactivation Ratio" (Ai) means:

$$Ai = CT[calc]/CT[99.9]$$

The sum of the inactivation ratios, or "total inactivation ratio" (B) is calculated by adding together the inactivation ratio for each disinfection sequence:

$$B = \text{SUM}(Ai)$$

A total inactivation ratio equal to or greater than 1.0 is assumed to provide a 3-log inactivation of *Giardia lamblia* cysts.

BOARD NOTE: Derived from the definition of "CT" in 40 CFR 141.2 (19931994).

"Initial compliance period" means the three-year compliance period begins January 1, 1993, except for the MCLs for dichloromethane, 1,2,4-trichlorobenzene, 1,1, 2-trichloroethane, benz[a]pyrene, dalaapon, di(2-ethylhexyl)adipate, di(2-ethylhexyl)- phthalate, dinoseb, diquat, endosulf, endrin, glyphosate, hexachlorobenzene, hexachlorocyclopentadiene, oxamyl, picloram, simazine, 2,3,7,8-TCDD, antimony, beryllium, cyanide, nickel, and thallium as they apply to suppliers whose supplies have fewer than compliance period that begins on January 1, 1996.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"L" means "liter".

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"Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.
BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Man-made beta particle and photon emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air and in Water for Occupational Exposure, NCRP Report Number 22, incorporated by reference in Section 611.102, except the daughter products of thorium-232, uranium-235 and uranium-238.
BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Maximum contaminant level" ("MCL") means the maximum permissible level of a contaminant in water that is delivered to any user of a public water system. See Section 611.121.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Maximum Total Trihalomethane Potential" or "MTP" means the maximum concentration of total trihalomethanes (TTHMs) produced in a given water containing a disinfectant residual after 7 days at a temperature of 25° C or above.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"MFT" means millions of fibers per liter larger than 10 micrometers.

BOARD NOTE: Derived from 40 CFR 141.23(a)(4)(i) (19931994).

"mg" means milligrams (1/1000th of a gram).

"mg/L" means milligrams per liter.

"Mixed system" means a PWS that uses both groundwater and surface water sources.

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note (19931994).

"MUG" means 4-methyl-umbelliferyl-beta-d-glucuronide.

"Near the first service connection" means at one of the 20 percent of all service connections in the entire system that are nearest the public water system (PWS) treatment facility, as measured by water transport time within the distribution system.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"nm" means nanometer (1/1,000,000,000th of a meter).

"Non-community water system" or "NCWS" or "non-CWS" means a public water system

BOARD NOTE: Derived for the definition of "public water system" in 40

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CFR 141.2 (19931994).

"Non-transient non-community water system" or "NTNCWS" means a public water system (PWS) that is not a community water system (CWS) and that regularly serves at least 25 of the same persons over 6 months per year.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"NPDWR" means "national primary drinking water regulation".

"NTU" means "nephelometric turbidity units".

"Old MCL" means one of the inorganic maximum contaminant levels (MCLs), codified at Section 611.300, or organic MCLs, codified at Section 611.310, including any marked as "additional state requirements."

BOARD NOTE: Old MCLs are those derived prior to the implementation of the U.S. EPA "Phase II" regulations. The Section 611.640 definition of this term, which applies only to Subpart O of this Part, differs from this definition in that the definition does not include the Section 611.300 inorganic MCLs.

"P-A Coliform Test" means "Presence-Absence Coliform Test".

"Performance evaluation sample" means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the Agency; or, for bacteriological laboratories, Public Health; or, for radiological laboratories, the Illinois Department of Nuclear Safety. The true value of the concentration of the reference material is unknown to the laboratory at the time of the analysis.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Person" means an individual, corporation, company, association, partnership, State unit of local government, municipality or Federal agency.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Phase I" refers to that group of chemical contaminants and the accompanying regulations promulgated by U.S. EPA on July 8, 1987, at 52 Fed. Reg. 25712.

"Phase II" refers to that group of chemical contaminants and the accompanying regulations promulgated by U.S. EPA on January 30, 1991, at 56 Fed. Reg. 3578.

"Phase IIS" refers to that group of chemical contaminants and the accompanying regulations promulgated by U.S. EPA on July 1, 1991, at

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56 Fed. Reg. 30266.

"Phase V" refers to that group of chemical contaminants promulgated by U.S. EPA on July 17, 1992, at 57 Fed. Reg. 31776.

"Picocurie" or "pCi" means the quantity of radioactive material producing 2.22 nuclear transformations per minute.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Point of disinfectant application" is the point at which the disinfectant is applied and downstream of which water is not subject to recontamination by surface water runoff.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Point-of-entry treatment device" is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Point-of-use treatment device" is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Public Health" means the Illinois Department of Public Health.

BOARD NOTE: The Department of Public Health ("Public Health") regulates non-community water supplies ("non-CWSs", including non-transient, non-community water supplies ("NTNCWSs") and transient non-community water supplies ("transient non-CWSs")). For the purposes of regulation of supplies by Public Health by reference to this Part, "Agency" shall mean Public Health.

"Public water system" or "PWS" means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS is either a community water system (CWS) or a non-community water system (non-CWS). Such term includes:

Any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system, and;

Any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

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"Reliably and consistently" below a specified level for a contaminant means an Agency determination based on analytical results following the initial detection of a contaminant to determine the qualitative condition of water from an individual sampling point or source. The Agency shall base this determination on the consistency of analytical results, the degree below the MCL, the susceptibility of source water to variation, and other vulnerability factors pertinent to the contaminant detected that may influence the quality of water.

BOARD NOTE: Derived from 40 CFR 141.23(b)(9), 141.24(f)(11)(ii), and 141.24(f)(11)(iii) (19931994).

"Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Repeat compliance period" means a compliance period that begins after the initial compliance period.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Representative" means that a sample must reflect the quality of water that is delivered to consumers under conditions when all sources required to supply water under normal conditions are in use and all treatment is properly operating.

"Residual disinfectant concentration" ("RDC" or "C" in CT calculations) means the concentration of disinfectant measured in mg/L in a representative sample of water. For purposes of the requirement of Section 611.241(d) of maintaining a detectable RDC in the distribution system, "RDC" means a residual of free or combined chlorine.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"SDWA" means the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, 42 U.S.C. 300f et seq.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Sanitary survey" means an onsite review of the water source, facilities, equipment, operation and maintenance of a public water system (PWS) for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Sedimentation" means a process for removal of solids before filtration by gravity or separation.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

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"SEP" means special exception permit (Section 611.110).

"Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 meters per hour (m/h)) resulting in substantial particulate removal by physical and biological mechanisms.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"SOC" or "Synthetic organic chemical contaminant" refers to that group of contaminants designated as "SOCs", or "synthetic organic chemicals" or "synthetic organic contaminants", in U.S. EPA regulatory discussions and guidance documents. "SOCs" include alachlor, aldicarb, aldicarb sulfone, aldicarb sulfide, atrazine, benzo(a)pyrene, carbofuran, chlordane, dalapon, dibromomethylene (ethylene dibromide or EDB), dibromochloropropane (DBCP), di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endosulf, endrin, glyphosate, neptachlor, neptachlor epoxide, hexachlorobenzene, hexachlorocyclopentadiene, lindane, metoxychlor, oxamyl, pentachlorophenol, picloram, simazine, toxaphene, polychlorinated biphenyls (PCBs), 2,4-D, 2,3,7,8-TCDD, and 2,4,5-TP.

"Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Supplier of water" or "supplier" means any person who owns or operates a public water system (PWS). This term includes the "official custodian".

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Surface water" means all water that is open to the atmosphere and subject to surface runoff.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"SWS" means "surface water system", a public water supply (PWS) that uses only surface water sources, including "groundwater under the direct influence of surface water".

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note (19931994).

"System with a single service connection" means a system that supplies drinking water to consumers via a single service line.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Too numerous to count" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

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"Total trihalomethanes" or "TTHM" means the sum of the concentration of trihalomethanes (THMs), in milligrams per liter (mg/L), rounded to two significant figures.

BOARD NOTE: Derived from the definition of "total trihalomethanes" in 40 CFR 141.2 (19931994). See the definition of THMs for a listing of the four compounds that U.S. EPA considers THMs to comprise.

"Transient, non-community water system" or "transient non-CWS" or "NCEWS" means a public water system (PWS) non-CWS that is neither a community water system (CWS) nor a non-transient non-community water system (NCEWS) does not regularly serve at least 25 of the same persons over six months of the year.

BOARD NOTE: Derived from 40 CFR 141.2 (1994). The federal regulations apply to all "public water systems", which are defined as all systems having at least 15 service connections or regularly serving water to at least 25 persons. See 42 U.S.C. 300f(4). The Act mandates that the Board and the Agency regulate "public water supplies", which it defines as having at least 15 service connections or regularly serving 25 persons daily at least 60 days per year. See 42 U.S.C. 300f(4). The Act also requires that the Board and the Agency regulate "transient non-community water systems". The Department of Public Health regulates transient non-community water systems.

"Treatment" means any process that changes the physical, chemical, microbiological, or radiological properties of water, is under the control of the supplier, and is not a "point of use" or "point of entry treatment device" as defined in this Section. "Treatment" includes, but is not limited to aeration, coagulation, sedimentation, filtration, activated carbon treatment, disinfection, and fluoridation.

"Trihalomethane" or "THM" means one of the family of organic compounds, named as derivatives of methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. The THM are:

Trichloromethane (chloroform),
Dibromochloromethane,
Bromodichloromethane and
Tribromomethane (bromoform)

BOARD NOTE: Derived from the definitions of "total trihalomethanes" and "trihalomethanes" in 40 CFR 141.2 (19931994).

"ug" means micrograms (1/1,000,000th of a gram).

"U.S. EPA" means the U.S. Environmental Protection Agency.

"Virus" means a virus of fecal origin that is infectious to humans by waterborne transmission.

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"VOC" or "volatile organic chemical contaminant" refers to that group of contaminants designated as VOCs, or "volatile organic chemicals" or "volatile organic contaminants", in U.S. EPA regulatory discussions and guidance documents. "VOCs" include benzene, dichloromethane, tetrachloromethane (carbon tetrachloride), trichloroethylene, vinyl chloride, 1,1,1-trichloroethane (methyl chloroform), 1,1-dichloroethylene, 1,2-dichloroethane, cis-1,2-dichloroethylene, ethylbenzene, monochlorobenzene, o-dichlorobenzene, styrene, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, tetrachloroethylene, toluene, trans-1,2-dichloroethylene, xylene, and 1,2-dichloropropane. BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system (PWS) that is deficient in treatment, as determined by the appropriate local or State agency. BOARD NOTE: Derived from 40 CFR 141.2 (19931994).

"Wellhead Protection Program" means the wellhead protection program for the State of Illinois, approved by U.S. EPA under section 1428 of the SDWA.

BOARD NOTE: Derived from 40 CFR 141.71(b) (19931994). The wellhead protection program will include the "groundwater protection needs assessment" under Section 17.1 of the Act, and regulations to be adopted in 35 Ill. Adm. Code 615 et seq.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.102 Incorporations by Reference

a) Abbreviations. The following abbreviated names are used in this Part to refer to materials incorporated by reference:

"AEP-1 Polymer" is available from Advanced Polymer Systems.

"ASTM" means American Society for Testing and Materials.

"Atomic-Absorption-Plasma-Furnace-Method" or "AA-Plasma-Furnace-Method" means "Determination of trace elements by stabilized-temperature-graphite-furnace-atomic-absorption spectrometry" Method-200-94

"Colisure test" means "Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water", available from Millipore Corporation.

"Dioxin and Furan Method 1613" means "tetra- through octa-

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chlorinated Dioxins and Furans by Isotope-Dilution HRGC/HRMS", available from NTIS.

"Indigo-Method" means as described in "Standard-Method" 7-17th Edition-Method 4500-03-B:

"Inductively-Coupled-Plasma-Mass-Spectrometry-Method" or "ICP-MS Method" means Determination of Trace Elements in Water and Wastes by Inductively-Coupled-Plasma-Mass-Spectrometry Method 200-04

Inductively-Coupled-Plasma-Method 200-74 or ICP-Method 200-74 means Inductively-Coupled-Plasma-Atomic-Emission-Spectrometric Method for Trace Element Analysis in Water and Wastes Method 200-77 with Appendix A-See 43-CFR 1367-Appendix E:

"Inductively-Coupled-Plasma-Method-200-77-Rev.-3-24-02" or "ICP Method 200-77-Rev.-3-24" means Determination of Metals and Trace Elements in Water and Wastes by Inductively-Coupled-Plasma-Atomic Emission-Spectrometry Method 200-77-Revision 3-24-See 43-CFR 1367-Appendix E:

"Ion-Chromatography-Method-300-04" means "Determination of Inorganic Ions in Water by Ion-Chromatography Method 300-04"

"Microbiological-Method" means "Microbiological Methods for Monitoring the Environment: Water and Wastes" available from NTIS:

"MUG-Test" means "Minimal medium beta-D-galactopyranoside-4-methyl-ortho-umbelliferyl-beta-D-galacturonide test" available from Environment International

"NCRP" means "National Council on Radiation Protection".

"NTIS" means "National Technical Information Service".

ONCP-MUG Test (meaning "Minimal medium nitrophenyl-beta-D-galactopyranoside-4-methyl-ortho-umbelliferyl-beta test", also called the "Autoanalysis Colilert System", is method 9223, available in "Standard Methods for the Examination of Water and Wastewater", 18th ed., from American Public Health Association.

"Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water", available from NTIS.

"Standard Methods", means "Standard Methods for the Examination

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of Water and Wastewater", available from the American Public Health Association or the American Waterworks Association.

"Technical Bulletin 601" means "Technical Bulletin 601, "Standard Method of Test for Nitrate in Drinking Water", July, 1994, available from Analytical Technology, Inc.

"Technicon Methods" means "Fluoride in Water and Wastewater", available from Technicon.

"USEPA-Asbestos-Methods" or "U.S. EPA Asbestos Methods-100.1" means Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water", available from NTIS.

U.S. EPA Asbestos Methods-100.2" means Method 100.2, "Determination of Asbestos Structures over 10-microm in Length in Drinking Water", available from NTIS.

"USEPA-Biotin-and-Furan-Method-10134" or "USEPA-Biotin-and-Furan-Method-10134" means "Furan-Method-10134" or "Biotin-and-Furan-Method-10134" available from USEPA-OS97

"U.S. EPA Environmental Inorganics Methods" means "Methods for the Determination of Inorganic Substances in Environmental Samples", available from NTIS.

"USEPA-Environmental-Metals-Methods" or "U.S. EPA Environmental Metals Methods" means "Methods for the Determination of Metals in Environmental Samples", available from NTIS.

"USEPA-Inorganic-Methods" or "U.S. EPA Inorganic Methods" means "Methods for Chemical Analysis of Water and Wastes", available from NTIS and ORD Publications.

"USEPA-Ion-Chromatography-Method-300-04" or "USEPA-Ion-Chromatography-Method-300-04" means "Method 300-04" or "Determination of Inorganic Anions in Water by Ion-Chromatography" available from USEPA-EM55.

"USEPA-Organic-Methods" or "U.S. EPA Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water and Wastewater, September, 1987" available from NTIS and USEPA-EM55 for the purposes of Section 1447 only. "Methods for the Determination of Organic Compounds in Drinking Water", December, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 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2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 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3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354, 3355, 3356, 3357, 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, 3367, 3368, 3369, 3370, 3371, 3372, 3373, 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3414, 3415, 3416, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428, 3429, 3430, 3431, 3432, 3433, 3434, 3435, 3436, 3437, 3438, 3439, 3440, 3441, 3442, 3443, 3444, 3445, 3446, 3447, 3448, 3449, 3450, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3458, 3459, 3460, 3461, 3462, 3463, 3464, 3465, 3466, 3467, 3468, 3469, 3470, 3471, 3472, 3473, 3474, 3475, 3476, 3477, 3478, 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3645, 3646, 3647, 3648, 3649, 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3672, 3673, 3674, 3675, 3676, 3677, 3678, 3679, 3680, 3681, 3682, 3683, 3684, 3685, 3686, 3687, 3688, 3689, 3690, 3691, 3692, 3693, 3694, 3695, 3696, 3697

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"Methods for the Determination of Organic Compounds in Drinking Water--Supplement II", August, 1992, for Methods 515.2, 524.2, 548.1, 549.1, 552.1, and 555, available from NTIS and ORB Publications for the purposes of Sections 611-646 and 611-648 only, and "Methods for the Determination of Organic Compounds in Drinking Water", available from NTIS, for the purposes of Section 611-685 only. Methods 504.1, 508.1, and 525.2 are available from EPA EMSL.

"USGS Methods" means "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments" Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory--Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments", available from NTIS and USGS.

- b) The Board incorporates the following publications by reference:

Access Analytical Systems, Inc., See Environetics, Inc.

American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005 800-645-5476:

Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992. See the methods listed for the same reference under American Water Works Association.

Supplement to the 18th edition of Standard Methods for the Examination of Water and Wastewater, 1994.

Analytical Technology, Inc. ATI Orion, 529 Main Street, Boston, MA 02129.

Technical Bulletin 601, "Standard Method of Test for Nitrate in Drinking Water", July, 1994, PN 221890-001.

ASTM. American Society for Testing and Materials, 1776 Race Street, Philadelphia, PA 19103 215-299-5585:

ASTM Method D511-80 93 A and B, "Standard Test Methods for Calcium and Magnesium in Water", approved 1980 1993.

ASTM Method D515-88 A, "Standard Test Methods for Phosphorus in Water", approved August 19, 1988.

ASTM Method D859-88, "Standard Test Methods for Manganese in Water", approved August 19, 1988.

ASTM Method D859-88, "Standard Test Method for Silica in

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Water", approved August 19, 1988.

ASTM Method 1067-88 92 B, "Standard Test Methods for Acidity or Alkalinity in Water", approved 1988 May 15, 1992).

ASTM Method D1125-82 B-91 A, "Standard Test Methods for Electrical Conductivity and Resistivity of Water", approved October-29-1982 June 15, 1991.

ASTM Method D1179-72 A or B-33 B, "Standard Test Methods for Fluoride in Water", approved July-28-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993.

ASTM Method D1293-84 B, "Standard Test Methods for pH of Water", approved October 26, 1984.

ASTM Method D1428-64-7-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993.

ASTM Method D1688-90 A or C, "Standard Test Methods for Copper in Water", approved March 15, 1990.

ASTM Method D0236-80 1 A or B, "Standard Test Methods for Cyanide in Water", approved September 15, 1989 1991.

ASTM Method D2459-72, "Standard Test Method for Gamma Spectrometry in Water", 1975, reapproved 1981, discontinued 1988.

ASTM Method D2907-83, "Standard Test Methods for Microquantities of Uranium in Water by Fluorometry", approved May 27, 1983.

ASTM Method D2972-88 A or 93 B or C, "Standard Test Methods for Arsenic in Water", approved 1988 1993.

ASTM Method D3223-86 91, "Standard Test Method for Total Mercury in Water", approved February-28-1986 September 23, 1991.

ASTM Method D3559-85-90 D, "Standard Test Methods for Lead in Water", approved 1985 August 6, 1990.

ASTM Method D3645-84 93 B, "Standard Test Methods for Beryllium in Water, Method B--Atomic Absorption, Graphite Furnace", approved Jan-27-1984 1993.

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ASTM Method D3697-8792, "Standard Test Method for Antimony in Water", approved June 15, 1992 1987.

ASTM Method D3859-8493 A, "Standard Test Methods for Selenium in Water, Method A--Atomic Absorption, Hydride Method", approved 1984 1993.

ASTM Method D3859-88, "Standard Test Methods for Selenium in Water", approved June 24, 1988.

ASTM Method D3867-90 A and B, "Standard Test Methods for Nitrite-Nitrate in Water", approved January 10, 1990.

ASTM Method D4327-8891, "Standard Test Method for Anions in Water by Ion Chromatography", approved 1988 October 15, 1991.

American Water Works Association et al., 6666 West Quincy Avenue, Denver, CO 80235 (303) 794-7711:

Standard Methods for the Examination of Water and Wastewater, 13th Edition, 1971.

Method 302, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended and Dissolved).

Method 303, Total Radioactive Strontium and Strontium 90 in Water.

Method 304, Radium in Water by Precipitation.

Method 305, Radium 226 by Radon in Water (Soluble, Suspended and Total).

Method 306, Tritium in Water.

Standard Methods for the Examination of Water and Wastewater, 14th Edition, 1976:

Method 214A, Turbidity--Nephelometric--Method--Nephelometric--Turbidity--Units--for the purposes of Section 611.560--turbidity only.

Methods 320--and--324A--Sodium--Flame--Photometric Method.

Standard Methods for the Examination of Water and Wastewater, 16th Edition, 1985:

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Method 212--Temperature.

Method 214A, Turbidity--Nephelometric--Method--Nephelometric--Turbidity--Units--for the purposes of Section 611.631--microbiological only.

Method 303A, Determination of Antimony, etc., by Direct Aspiration into an Air-Acetylene Flame.

Method 303B, Determination of Arsenic and Selenium by Conversion to Ethyl Hydrides by Sodium Borohydride Reagent and Aspiration into an Atomic Absorption Atomizer.

Method 304, Determination of Micro-Quantities of Aluminum, etc., by Electrothermal Atomic Absorption Spectrometry.

Method 307A, Arsenic--Atomic--Absorption Spectrophotometric Method.

Method 307B, Arsenic--Silver-Bisethyldithiocarbamate Method.

Method 408, Chlorine--(Residual)--Amperometric Titration Method.

Method 409B, Chlorine--(Residual)--DPD--Residual Titrimetric Method.

Method 409E, Chlorine--(Residual)--DPD--Colorimetric Method.

Method 409F, Chlorine--(Residual)--Diazotization--Water Method.

Method 410, Chlorine--Bromide--Amperometric Method.

Method 410G, Chlorine--Bromide--DPD--Residual--Potentiometric Method.

Method 413A, Fluoride--Spectrometric--Fluoride--Ion-Selective Method.

Method 413B, Fluoride--Spectrometric--Fluoride--Ion-Selective Method.

Method 413C, Fluoride--SPANS--Method.

Method 413E, Fluoride--Complexometric Method.

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Method-4237-pH-Value:

Method-997A7-Pour-Plate-Method:

Method-9997-Multiple-Tube-Fermentation-Technique-for Members-of-the-Coliform-Group:

Method-999A7-Standard-Coliform-Multiple-Tube-(MPN) Tests:

Method-999B7-Application-of-Tests-to-Routine Examinations:

Method-999C7-Pecal-Coliform-MPN-Procedure:

Method-999D7-Estimation-of-Bacterial-Density:

Method-999E7-Presence-Absence-(P-A)-Coliform-Test (tentative):

Method-9997-Membrane-Filter-Technique-for-Members-of-the-Coliform-Group:

Method-999A7-Standard-Total-Coliform-Membrane-Filter Procedure:

Method-999B7-Delayed-Incubation-Total-Coliform Procedure:

Method-999C7-Pecal-Coliform-Membrane-Filter-Procedure:

Method-9129-Metals-by-Plasma-Emission-Spectroscopy:

Method-4500-Ca-B7-Calcium-BBFA-Fluimetric-Method:

Method-4119-Beternination-of-Anions-by-Ion Chromatography:

Method-4500-H477-pH-Value:

Standard-Methods-for-the-Examination-of-Water-and Wastewater-17th-Edition-1997:

Method-2329-Alkalinity:

Method-2519-Conductivity:

Method-2559-Temperature:

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Method-3111-B7-Metals-by-Flame-Atomic-Absorption Spectrometry7-Direct-Air-Acetylene-Flame-Method:

Method-3111-B7-Metals-by-Flame-Atomic-Absorption Spectrometry7-Breace-Nitrons-Oxide-Acetylene-Flame Method:

Method-3112-B7-Metals-by-Cold-Vapor-Atomic-Absorption Spectrometry7-Cold-Vapor-Atomic-Absorption Spectrometric-Method:

Method-31137-Metals-by-Electrothermal-Atomic Absorption-Spectrometry:

Method-3113-B7-Metals-by-Electrothermal-Atomic Absorption-Spectrometry7-Electrothermal-Atomic Absorption-Spectrometric-Method:

Method-3114-B7-Metals-by-Hydride-Generation-Atomic Absorption-Spectrometry7-Manual-Hydride Generation-Atomic-Absorption-Spectrometric-Method:

Method-31297-Metals-by-Plasma-Emission-Spectroscopy:

Method-3500-Ca-B7-Calcium7-BBFA-Fluimetric-Method:

Method-41197-Beternination-of-Anions-by-Ion Chromatography:

Method-4500-CN-B7-Cyanide7-Fluimetric-Method:

Method-4500-CN-B7-Cyanide7-Colorimetric-Method:

Method-4500-CN-E7-Cyanide7-Cyanide-Selective-Electrode Method:

Method-4500-CN-G7-Cyanide7-Cyanides-Amendate-to Chlorination-after-Biositiation:

Method-4500-H477-pH-Value:

Method-4500-NO37-Nitrogen-(Nitrate)7-Cadmium Reduction-Method:

Method-4500-NO37-Nitrogen-(Nitrate)7-Automated Cadmium-Reduction-Method:

Method-4500-O477-Ozone-(Residual)7-Indigo

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Colorimetric Method--(Proposed)--

Method--4560--P-P--Phosphorus--Automated--Ascorbic--Acid Reduction Method--

Method--4560--Si-B--Silica--Molybdenosilicate Method--

Method--4560--Si-B--Silica--Heteropoly Blue Method--

Method--4560--Si---P--Silica--Automated--method--for Molybdate-Reactive-Silica--

Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992:

Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550 B, Temperature, Laboratory and Field Methods.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometry.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method.

Method 3500--Ca D, Calcium, EDTA Titrimetric Method.

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Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluant Conductivity.

Method 4500--CN C, Cyanide, Total Cyanide after Distillation.

Method 4500--CN E, Cyanide, Colorimetric Method.

Method 4500--CN F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500--CN G, Cyanide, Cyanides Amenable to Chlorination after Distillation.

Method 4500--Cl D, Chlorine (Residual), Amperometric Titration Method.

Method 4500--Cl E, Chlorine (Residual), Low-Level Amperometric Titration Method.

Method 4500--Cl F, Chlorine (Residual), DPD Ferrous Titimetric Method.

Method 4500--Cl, G, Chlorine (Residual), DPD Colorimetric Method.

Method 4500--Cl H, Chlorine (Residual), Springaldazine (FACTS) Method.

Method 4500--Cl I, Chlorine (Residual), Iodometric Electrode Method.

Method 4500--ClO(2) C, Chlorine Dioxide, Amperometric Method I.

Method 4500--ClO(2) D, Chlorine Dioxide, DPD Method.

Method 4500--ClO(2) E, Chlorine Dioxide, Amperometric Method II (Proposed).

Method 4500--F B, Fluoride, Preliminary Distillation Step.

Method 4500--F C, Fluoride, Ion-Selective Electrode Method.

Method 4500--F D, Fluoride, SPADNS Method.

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- Method 4500-F E, Fluoride, Complexone Method.
- Method 4500-H(+) B, pH Value, Electrometric Method.
- Method 4500-NO(2) B, Nitrogen (Nitrite), Colorimetric Method.
- Method 4500-NO(3) D, Nitrogen (Nitrate), Nitrate Electrode Method.
- Method 4500-NO(3) E, Nitrogen (Nitrate), Cadmium Reduction Method.
- Method 4500-NO(3) F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.
- Method 4500-O(3) B, Ozone (Residual) (Proposed), Indigo Colorimetric Method.
- Method 4500-P E, Phosphorus, Ascorbic Acid Method.
- Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method.
- Method 4500-Si D, Silica, Molybdosilicate Method.
- Method 4500-Si E, Silica, Heteropoly Blue Method.
- Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica.
- Method 4500-SO(4)(2-) C, Sulfate, Gravimetric Method with Ignition of Residue.
- Method 4500-SO(4)(2-) D, Sulfate, Gravimetric Method with Drying of Residue.
- Method 4500-SO(4)(2-) F, Sulfate, Automated Methylthymol Blue Method.
- Method 6651, Glyphosate Herbicide (Proposed).
- Method 9215 B, Heterotrophic Plate Count, Pour Plate Method.
- Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction.

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- Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique.
- Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density.
- Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test.
- Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction.
- Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure.
- Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure.
- Method 9223, Chromogenic Substrate Coliform Test (Proposed).
- Standard Methods for the Examination of Water and Wastewater, 18th Edition Supplement, 1994:
- Method 6610, Carbamate Pesticides.
- Advanced Polymer Systems 3696 Haven Avenue, Redwood City, CA 94063 415/366-2626:
- APPA-1 Polymer. See 40 CFR 141.22(a). Also, as referenced in ASTM D1899.
- EnviroNetics, Inc., 21-Business-Park-Drive, Branford, CT 06405 800/921-0997:
- MMO-WUG-tests, Colilert-P/A or Colilert-MPN:
- ERDA Health and Safety Laboratory, New York, NY:
- HASL Procedure Manual, HASL 300, 1973. See 40 CFR 141.25(b)(2).
- Millipore Corporation, Technical Services Department, 80 Ashby Road, Milford, MA 01730 800-654-5476:

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Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water, February 28, 1994.

Millipore Corporation, Waters Chromatography Division, 34 Maple St., Millford, MA 01757 800/252-4752:

Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography, Method B-1011.

NCRP. National Council on Radiation Protection, 7910 Woodmont Ave., Bethesda, MD (301) 657-2652:

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, June 5, 1959.

NTIS. National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161 (703) 487-4600 or (800) 336-4700 553-6847:

Method 100.2, "Analytical Method for Determination of Asbestos Fibers in Water", EPA-600/4-83-043, September, 1983, Doc. No. PB83-160471.

Method 100.2, "Determination of Asbestos Structures over 10-microm in Length in Drinking Water", EPA-600/4-83-043, June, 1994, Doc. No. PB91-201902.

"Methods of Chemical Analysis of Water and Wastes", March 1983, EPA-600/4-79-020 Doc. No. PB84-297686:

"Methods for Chemical Analysis of Water and Wastes", March, 1983, Doc. No. PB84-128677, for all methods referenced except methods 100.1-(turbidity)-(Section 611-560)-(and-273.1-and-273.2-(turbidity)-(Section 611-560) Methods 150.1, 150.2, and 245.2, which formerly appeared in this reference, are available from U.S. EPA EMSL.

"Methods for Chemical Analysis of Water and Wastes", March 1979 Doc. No. PB84-128677, only for methods 100.1-(turbidity)-(Section 611-560)-(and-273.1-and-273.2-(turbidity)-(Section 611-560):

"Methods for the Determination of Metals in Environmental Samples", June, 1991, Doc. No. PB91-231498.

"Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water", EPA-600/4-80/039 September 1986 Doc. No. PB89-220461:-(For the purposes of

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Section 611-647-only:

"Methods for the Determination of Organic Compounds in Drinking Water", EPA-600/4-80/039 December, 1988, revised July, 1991, EPA-600/4-88/039. (For the purposes of Section 611-685 and PB91-146827, for the purposes of Sections 611-646-(and 611-648-only)-(including Method 515.17-revision 5.0-and Method 525.17-revision 3.0-(May-1991):

"Methods for the Determination of Organic Compounds in Finished Drinking Water", EPA-600/4-88/039 December, 1988, revised July, 1991, EPA-600/4-88/039. (For the purposes of Section 611-685 only, including methods 502.2, 505, 507, 508, 508A, 515.1 and 524.2 531.1.)

"Methods for the Determination of Organic Compounds in Finished Drinking Water--Supplement I", July, 1990, EPA-600-4-90-020. (For methods 506, 547, 550, 550.1, and 551.)

"Methods for the Determination of Organic Compounds in Finished Drinking Water--Supplement II", August, 1992, EPA-600 R-92-129. (For methods 515.2, 524.2, 548.1, 549.1, 552.1 and 555.)

"Microbiological Methods for Monitoring the Environment--Water and Wastes--R-Bodner-and-J--Winter--1978:--EPA-600-8-78-0177 Doc. No. PB90-3297BP:

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", H.I. Krieger and S. Gold, EPA-R4-73-014, May, 1973, Doc. No. PB222-154/7BA.

"Technical Notes on Drinking Water Methods", EPA-600/R-91-173, October, 1991.

BOARD NOTE: U.S. EPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(1) (1994): This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996.

"Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS", October, 1994, EPA-821-B-94-005.

ORD-Publications-EBRi-EPA-Environmental-0H-45608:

"Methods for Chemical Analysis of Water and Wastes", March, 1983, EPA-600/4-79-020 Doc. No. PB84-297686:--reference methods 100.1-(turbidity)-(Section 611-560)-(and-273.1-and-273.2-(turbidity)-(Section 611-560):

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"Methods for Chemical Analysis of Water and Wastes". March 7, 1977 (EPA-600/4-79-020) -- only for methods 100-1 (turbidity) Section 611-5604 and 273-1 and 273-2 (sediment) Section 611-6007.

"Methods for the Determination of Organic Compounds in Drinking Water". EPA-600/4-80-039, December 7, 1980. Doc. No. PB91-231400 and PB91-146022. (For the purposes of Section 611-646 only.) -- See NTIS.

Orion Research, Inc., 529 Main St., Boston, MA 02129 800/225-1480:

Orion Guide to Water and Wastewater Analysis, Form WWTWG/5880, p. 5.

Technicon Industrial Systems, Tarrytown, NY 10591:

"Fluoride in Water and Wastewater", Industrial Method #129-71W, December, 1972 See 40 CFR 141.23(f)(10), footnotes 6 and 7.

"Fluoride in Water and Wastewater", #380-75WE, February, 1976. See 40 CFR 141.23(f)(10), footnotes 6 and 7.

United States Environmental Protection Agency, EMSL, EPA, Cincinnati, OH 45268 513-569-7586:

"The Analysis of Trichloroethanes in Drinking Waters by the Purge and Trap Method", Method 501.1 -- See 40 CFR 141.7 Subpart C7 Appendix C7.

"The Analysis of Trichloroethanes in Drinking Water by Liquid/Liquid Extraction", Method 501.2 -- See 40 CFR 141.7 Subpart C7 Appendix C7.

"Inductively Coupled Plasma-Atomic Emission Spectrometric Method for Trace Element Analysis in Water and Wastes" -- Method 200.77 with Appendix -- to Method 200.74 entitled "Inductively Coupled Plasma-Atomic Emission Analysis of Drinking Water" -- (Appendix 200.7A) -- March 1987 (EPA-600/4-91/010) -- See 40 CFR 136.7 Appendix E7.

"Interim Radiochemical Methodology for Drinking Water", EPA-600/4-75-008 (Revised) March, 1976.

"Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water", September 1986 methods 504.1, 508.1, and 525.2. (For the purposes of Section 611-647 only). See NTIS.

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"Methods for Chemical Analysis of Water and Wastes". See NTIS and ORD Publications. Methods 150.1, 150.2, and 245.2, which formerly appeared in this reference, are available from U.S. EPA EMSL.

"Microbiological Methods for Monitoring the Environment: Water and Wastes". -- See NTIS.

"Volatile Organic Compounds in Water by Purge and Trap-Capillary Gas Chromatography/Mass Spectrometry", Method 504.27 order number PB91-231400. (For purposes of Section 611-605 only.) -- See NTIS.

"Volatile Organic Compounds in Water by Purge and Trap-Capillary Gas Chromatography -- with Photoionization -- and Electrolytic Conductivity Detector in Series", Method 504.27 order number PB 91-231400. (For purposes of Section 621-605 only.) -- See NTIS.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions". See NTIS.

U.S. EPA-OST (United States Environmental Protection Agency-Office of Science and Technology), P.O. Box 1407, Arlington, VA 22213:

"Tetra-through-Octa-Chlorinated Dioxins and Furans by Isotope Dilution".

United States Environmental Protection Agency, Science and Technology Branch, Criteria and Standards Division, Office of Drinking Water, Washington D.C. 20460:

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", October, 1989.

USGS. Books and Open-File Reports Section, United States Geological Survey, 1961-Steet-St., Federal Center, Box 25425, Denver, CO 80224 303/844-4169 8025-0425:

Methods available upon request by method number from "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory--Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments", Open File Report 93-125 or Book 5, Chapter A-1, "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments", 3d ed., Open-File Report 85-495, 1989, as appropriate. Techniques of Water Resources Investigation of the United States--Geological Survey.

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~~Book 57-Chapter-A-17-Method-for-Determination-of-Inorganic Substances-in-Water-and-Pluvial-Sediments-7-3d-ed-7 Open-File-Report-95-495-1989-~~

I-1030-85

I-1062-85

I-1601-85

I-1700-85

I-2598-85

I-2601-90

I-2700-85

I-3300-85

c) The Board incorporates the following federal regulations by reference:

40 CFR 136, Appendix B and C (19931994).

40 CFR 141, Subpart C, Appendix C (19931994).

d) This Part incorporates no future amendments or editions.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.110 Special Exception Permits

- a) Unless otherwise specified, each Agency determination in this Part is to be made by way of a written permit pursuant to Section 39(a) of the Act. Such permit is titled a "special exception" permit ("SEP").
- b) No person shall cause or allow the violation of any condition of a SEP.
- c) The supplier may appeal the denial of or the conditions of a SEP to the Board pursuant to Section 40 of the Act.
- d) A SEP may be initiated either:
- 1) By an application filed by the supplier; or
 - 2) By the Agency, when authorized by Board regulations.
- BOARD NOTE: The Board does not intend to mandate by any provision of this Part that the Agency exercise its discretion and initiate a SEP pursuant to subsection (d)(2) above. Rather, the Board intends to clarify by this subsection that the Agency may opt to initiate a SEP without receiving a request from the supplier.
- e) The Agency shall evaluate a request for a SEP from the monitoring

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requirements of Section 611.601 (inorganic chemical contaminants), only as to monitoring for cyanide; Section 611.646(e) and (f) (Phase I, Phase II, and Phase V VOCs); Section 611.646(d), only as to initial monitoring for 1,2,4-trichlorobenzene; Section 611.648(a) (for Phase II, Phase IIB, and Phase V SOCs) or Section 611.510 (for unregulated organic contaminants) on the basis of knowledge of previous use (including transport, storage, or disposal) of the contaminant in the watershed or zone of influence of the system, as determined pursuant to 35 Ill. Adm. Code 671:

- 1) If the Agency determines that there was no prior use of the contaminant, it shall grant the SEP, or
- 2) If the contaminant was previously used or the previous use was unknown, the Agency shall consider the following factors:

- A) Previous analytical results;
 - B) The proximity of the system to any possible point source of contamination (including spills or leaks at or near a water treatment facility; at manufacturing, distribution, or storage facilities; from hazardous and municipal waste landfills; or from waste handling or treatment facilities) or non-point source of contamination (including the use of pesticides and other land application uses of the contaminant);
 - C) The environmental persistence and transport of the contaminant;
 - D) How well the water source is protected against contamination, including whether it is a SWS or a GWS:
 - i) A GWS must consider well depth, soil type, well casing integrity, and wellhead protection; and
 - ii) A SWS must consider watershed protection; and
 - E) For Phase II, Phase IIB, and Phase V SOCs and unregulated organic contaminants (pursuant to Section 611.631 or 611.648):
 - i) Elevated nitrate levels at the water source; and
 - ii) The use of PCBs in equipment used in the production, storage, or distribution of water (including pumps, transformers, etc.); and
 - F) For Phase I, Phase II, and Phase V VOCs (pursuant to Section 611.646): the number of persons served by the PWS and the proximity of a smaller system to a larger one.
- f) If a supplier refuses to provide any necessary additional information requested by the Agency, or if a supplier delivers any necessary information late in the Agency's deliberations on a request, the Agency may deny the requested SEP or grant the SEP with conditions within the time allowed by law.
- g) The Agency shall grant a supplier a SEP pursuant to Section 611.110 that allows it to discontinue monitoring for cyanide if it determines that the supplier's water is not vulnerable due to a lack of any industrial source of cyanide.

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BOARD NOTE: Subsection (e) above is derived from 40 CFR 141.23(c)(2) (1994), and 40 CFR 141.24(f)(8) and (h)(6) (#992 1994). Subsection (f) above is derived from 40 CFR 141.82(d)(2), and 141.83(b)(2) (#992 1994). Subsection (g) is derived from 40 CFR 141.23(c)(2) (1994). **USEPA** U.S. EPA has reserved the discretion, at 40 CFR 142.18 (#992 1994), to review and nullify Agency determinations of the types made pursuant to Sections 611.510, 611.602, 611.603, 611.646, and 611.648 and the discretion, at 40 CFR 141.82(i), 141.83(b)(7), and 142.19 (#992 1994), to establish federal standards for any supplier, superseding any Agency determination made pursuant to Sections 611.352(d), 611.352(f), 611.353(b)(2), and 611.353(b)(4).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.111 Section 1415 Variances

This Section is intended as a State equivalent of Section 1415(a)(1)(A) of the SDWA.

- a) The Board may grant a variance from a NPDR in this Part.
 - 1) The supplier shall file a variance petition pursuant to 35 Ill. Adm. Code 104, except as modified or supplemented by this Section.
 - 2) The Board may grant a variance from the additional State requirements in this Part without following this Section.
- b) As part of the showing of arbitrary or unreasonable hardship, the supplier shall demonstrate that:
 - 1) Because of characteristics of the raw water sources that are reasonably available to the system, the supplier cannot meet the MCL or other requirement; and
 - 2) The system has applied BAT as identified in Subpart G of this Part. BAT may vary depending on:
 - A) The number of persons served by the system;
 - B) Physical conditions related to engineering feasibility; and
 - C) Costs of compliance; and
 - 3) The variance will not result in an unreasonable risk to health, as defined in subsection (g) below.
- c) The Board will prescribe a schedule for:
 - 1) Compliance, including increments of progress, by the supplier, with each MCL or other requirement with respect to which the variance was granted; and
 - 2) Implementation by the supplier of each additional control measure for each MCL or other requirement, during the period ending on the date compliance with such requirements is required.
- d) A schedule of compliance will require compliance with each MCL or other requirement with respect to which the variance was granted as expeditiously as practicable.
- e) The Board will provide notice and opportunity for a public hearing as

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provided in 35 Ill. Adm. Code 104.

f) The Board will not grant a variance:

- 1) From the MCL for total coliforms; provided, however, that the Board may grant a variance from the total coliform MCL of Section 611.325 for FWSS that demonstrate that the violation of the total coliform MCL is due to persistent growth of total coliforms in the distribution system, rather than from fecal or pathogenic contamination, from a treatment lapse or deficiency, or from a problem in the operation or maintenance of the distribution system.
- 2) Or, from any of the treatment technique requirements of Subpart B of this Part.
- g) As used in this Section and Section 611.112, "unreasonable risk to health level" ("URTH level") means the concentration of a contaminant that will cause a serious health effect within the period of time specified in the variance or exemption requested by a supplier seeking to come into compliance by installing the treatment required to reduce the contaminant to the MCL. URTH level determinations are made on the basis of the individual contaminant, taking into account: the degree by which the level exceeds the MCL; duration of exposure; historical data; and, population exposed. A risk to health is assumed to be unreasonable unless the supplier demonstrates that there are costs involved that clearly exceed the health benefits to be derived.
- h) The provisions of Section 611.130 apply to determinations made pursuant to this Section.

BOARD NOTE: Derived from 40 CFR 141.4 (#992 1994), from Section 1415(a)(1)(A) of the SDWA and from the "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", incorporated by reference in Section 611.102. **USEPA** U.S. EPA has reserved the discretion to review and modify or nullify Board determinations made pursuant to this Section at 40 CFR 142.23 (#992 1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.112 Section 1416 Variances

This Section is intended as a State equivalent of Section 1416 of the SDWA.

- a) The Board may grant a supplier a variance from any requirement respecting an MCL or treatment technique requirement of an NPDR in this Part.
 - 1) The supplier shall file a variance petition pursuant to 35 Ill. Adm. Code 104, except as modified or supplemented by this Section.
 - 2) The Board may grant a variance from the additional State requirements in this Part without following this Section.
- b) As part of the showing of arbitrary or unreasonable hardship, the

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supplier shall demonstrate that:

- 1) Due to compelling factors (which may include economic factors), the supplier is unable to comply with the MCL or treatment technique requirement;

- 2) The supplier was:

- A) In operation on the effective date of the MCL or treatment technique requirement; or
- B) Not in operation on the effective date of the MCL or treatment technique requirement and no reasonable alternative source of drinking water is available to the supplier; and

- 3) The variance will not result in an unreasonable risk to health.

- c) The Board will prescribe a schedule for:

- 1) Compliance, including increments of progress, by the supplier, with each MCL and treatment technique requirement with respect to which the variance was granted; and
- 2) Implementation by the supplier, during the period ending on the date when compliance is required, of each additional control measure for each contaminant subject to the MCL or treatment technique requirement.

- d) A schedule of compliance will require compliance with each MCL or other requirement with respect to which the variance was granted as expeditiously as practicable; but no schedule shall extend more than 12 months after the date of the variance, except as follows:

- 1) The Board may extend the date for a period not to exceed three years beyond the date of the variance if the supplier establishes: that it is taking all practicable steps to meet the standard; and:

- A) The supplier cannot meet the standard without capital improvements that cannot be completed within 12 months;
- B) In the case of a supplier that needs financial assistance for the necessary improvements, the supplier has entered into an agreement to obtain such financial assistance; or
- C) The supplier has entered into an enforceable agreement to become a part of a regional PWS; and

- 2) In the case of a PWS with 500 or fewer service connections that needs financial assistance for the necessary improvements, a variance under subsections (d)(1)(A) or (d)(1)(B) above may be renewed for one or more additional two year periods if the supplier establishes that it is taking all practicable steps to meet the final date for compliance.

- e) The Board will provide notice and opportunity for a public hearing as provided in 35 Ill. Adm. Code 101.

- f) The Agency shall promptly send USEPA U.S. EPA the Opinion and Order of the Board granting a variance pursuant to this Section. The Board may reconsider and modify a grant of variance, or variance conditions, if USEPA U.S. EPA notifies the Board of a finding pursuant to Section 1416 of the SDWA.

- g) BOARD NOTE: Derived from Section 1416 of the SDWA.

The Board will not grant a variance:

- 1) From the MCL for total coliforms; provided, however, that the Board may grant variance from the total coliform MCL of Section 611.325 for PWSs that demonstrate that the violation of the total coliform MCL is due to persistent growth of total coliforms in the distribution system, rather than from fecal or pathogenic contamination, from a treatment lapse or deficiency, or from a problem in the operation or maintenance of the distribution system.

- 2) From any of the treatment technique requirements of Subpart B of this Part.

- 3) From the residual disinfectant minimum (RDM) requirements of Sections 611.241(c) and 611.242(b).

- h) The provisions of Section 611.130 apply to determinations made pursuant to this Section.

BOARD NOTE: Derived from 40 CFR 141.4 (1992 1994). USEPA U.S. EPA has reserved the discretion to review and modify or nullify Board determinations made pursuant to this Section at 40 CFR 142.23 (1992 1994).

(Source: Amended at 19 Ill. Reg. , effective

Section 611.113 Alternative Treatment Techniques

This Section is intended to be equivalent to Section 1415(a)(3) of the SDWA.

- a) Pursuant to this Section, the Board may grant an adjusted standard from a treatment technique requirement.
- b) The supplier seeking an adjusted standard shall file a petition pursuant to 35 Ill. Adm. Code 106, Subpart G.
- c) As justification the supplier shall demonstrate that an alternative treatment technique is at least as effective in lowering the level of the contaminant with respect to which the treatment technique requirement was prescribed.
- d) As a condition of any adjusted standard, the Board will require the use of the alternative treatment technique.

The Board shall subject to the following conditions:

- 1) All adjusted standards shall be subject to the limitations of 40 CFR 142, Subpart G, incorporated by reference in Section 611.102, and

- 2) All adjusted standards shall be subject to review and approval by USEPA U.S. EPA pursuant to 40 CFR 142.46 before they become effective.

BOARD NOTE: Derived from Section 1415(a)(3) of the SDWA.

- f) The provisions of Section 611.130 apply to determinations made pursuant to this Section.

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.125 Fluoridation Requirement

All CWSs which are required to add fluoride to the water shall maintain a fluoride ion concentration reported as F of 0.9 to 1.2 mg/l in its distribution system, as required by Section 7a of ~~"AN-REG-TO-PROVIDE-FOR-SAFEGUARDING-THE-PUBLIC-HEALTH-BY-VESTING-CERTAIN-MEASURES-OF-CONTROL-AND-SUPERVISION-IN-THE-DEPARTMENT-OF-PUBLIC-HEALTH-OVER-PUBLIC-USE-OF-THE-PUBLIC-WATER-SUPPLIES-SUPPLY-REGULATION-ACT-IN-THE-STATE"~~ ~~(111--Rev--1989--ch--111-1/2--Par-111g711)~~ [415 ILCS 40/7a].

BOARD NOTE: This is an additional State requirement.

Section 611.130 Special Requirements for Certain Variances and Adjusted Standards

- a) Relief from the TTHM MCL.
 - 1) In granting any variance or adjusted standard to a supplier that is a CWS that adds a disinfectant at any part of treatment and which provides water to 10,000 or more persons on a regular basis from the maximum contaminant level for TTHM listed in Section 611.310(c), the Board will require application of the best available technology (BAT) identified at subsection (a)(4) below for that constituent as a condition to the relief, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT is not technically appropriate and technically feasible for that system, or it would only result in a marginal reduction in TTHM for that supplier.
 - 2) The Board will require the following as a condition for relief from the TTHM MCL where it does not require the application of BAT:
 - A) That the supplier continue to investigate the following methods as an alternative means of significantly reducing the level of TTHM, according to a definite schedule:
 - i) introduction of off-line water storage for TTHM precursor reduction;
 - ii) aeration for TTHM reduction, where geography and climate allow;
 - iii) introduction of clarification, where not presently practiced;
 - iv) use of alternative sources of raw water; and
 - v) use of ozone as an alternative or supplemental disinfectant or oxidant, and
 - B) That the supplier report results of that investigation to the Agency.
 - 3) The Agency shall petition the Board to reconsider or modify a variance or adjusted standard, pursuant to 35 Ill. Adm. Code 101.Subpart K, if it determines that an alternative method

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identified by the supplier pursuant to subsection (a)(2) above is technically feasible and would result in a significant reduction in TTHM.

- 4) Best available technology for TTHM reduction:

- A) use of chloramines as an alternative or supplemental disinfectant,
 - B) use of chlorine dioxide as an alternative or supplemental disinfectant, or
 - C) improved existing clarification for TTHM precursor reduction.
- BOARD NOTE: Derived from 40 CFR 142.60 (1992 1994). The restrictions of this subsection do not apply to suppliers regulated for TTHM as an additional state requirement. See the Board Note to Section 611.301(c).

- b) Relief from the fluoride MCL.

- 1) In granting any variance or adjusted standard to a supplier that is a CWS from the maximum contaminant level for fluoride listed in Section 611.301(b), the Board will require application of the best available technology (BAT) identified at subsection (c)(4) below for that constituent as a condition to the relief, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT is not technically appropriate and technically feasible for that supplier.
- 2) The Board will require the following as a condition for relief from the fluoride MCL where it does not require the application of BAT:
 - A) That the supplier continue to investigate the following methods as an alternative means of significantly reducing the level of TTHM, according to a definite schedule:
 - i) modification of lime softening;
 - ii) alum coagulation;
 - iii) electrodialysis;
 - iv) anion exchange resins;
 - v) well field management;
 - vi) use of alternative sources of raw water; and
 - vii) regionalization, and
 - B) That the supplier report results of that investigation to the Agency.
 - 3) The Agency shall petition the Board to reconsider or modify a variance or adjusted standard, pursuant to 35 Ill. Adm. Code 101.Subpart K, if it determines that an alternative method identified by the supplier pursuant to subsection (b)(2) above is technically feasible and would result in a significant reduction in fluoride.
 - 4) Best available technology for fluoride reduction:
 - A) activated alumina absorption centrally applied, and
 - B) reverse osmosis centrally applied.

- c) Relief from an inorganic chemical contaminant, VOC, or SOC MCL.

BOARD NOTE: Derived from 40 CFR 142.61 (1992 1994).

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- 1) In granting to a supplier that is a CWS or NTNWS any variance or adjusted standard from the maximum contaminant levels for any VOC or SOC, listed in Section 611.311(a) or (c), or for any inorganic chemical contaminant, listed in Section 611.301, the supplier must have first applied the best available technology (BAT) identified at Section 611.311(b) (VOCs and SOCs) or Section 611.301(c) (inorganic chemical contaminants) for that constituent, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT would achieve only a minimal and insignificant reduction in the level of contaminant.

BOARD NOTE: ~~USEPA~~ U.S. EPA lists BAT for each SOC and VOC at 40 CFR 142.62(a) (1992 1994) ~~7-as-amended-at-57-Fed-Reg--31040-4347 177-19927~~, for the purposes of variances and exemptions (adjusted standards). That list is identical to the list at 40 CFR 141.61(b), with three exceptions: the section 142.62 listing adds PTA ("PTA") for alachlor; lists OX for hexa-chlorobenzene, instead of GAC; and omits PTA for toxaphene. The Board has chosen to use the section 141.61(a) (Section 611.311) BAT listing because we believe ~~USEPA-intended~~ that this leads to greater consistency ~~and--because--the--preamble-at-57-Fed-Reg--31770-79 indicates--that--this--listing--is--correct--as--to--alachlor--and hexachlorobenzene--(although--the--preamble--at--56-Fed-Reg--3529 (Jan--30-1991)--indicates--that--it--is--wrong--as--to--toxaphene).~~

- 2) The Board may require any of the following as a condition for relief from a MCL listed in Section 611.301 or 611.311:

A) That the supplier continue to investigate alternative means of compliance according to a definite schedule, and

B) That the supplier report results of that investigation to the Agency.

- 3) The Agency shall petition the Board to reconsider or modify a variance or adjusted standard, pursuant to 35 Ill. Adm. Code 101.Subpart K, if it determines that an alternative method identified by the supplier pursuant to subsection (c)(2) above is technically feasible.

BOARD NOTE: Derived from 40 CFR 142.62(a) through (e) (1992 1994).

- d) Conditions requiring use of bottled water or point-of-use or point-of-entry devices. In granting any variance or adjusted standard from the maximum contaminant levels for organic and inorganic chemicals or an adjusted standard from the treatment technique for lead and copper, the Board may impose certain conditions requiring the use of bottled water, point-of-entry devices, or point-of-use devices to avoid an unreasonable risk to health, limited as provided in subsections (e) and (f) below.

- 1) Relief from an MCL. The Board may, when granting any variance or adjusted standard from the MCL requirements of Sections 611.301 and 611.311, impose a condition that requires a supplier to use

bottled water, point-of-use devices, point-of-entry devices or other means to avoid an unreasonable risk to health.

- 2) Relief from corrosion control treatment. The Board may, when granting an adjusted standard from the corrosion control treatment requirements for lead and copper of Sections 611.351 and 611.352, impose a condition that requires a supplier to use bottled water and point-of-use devices or other means, but not point-of-entry devices, to avoid an unreasonable risk to health.

- 3) Relief from source water treatment or service line replacement. The Board may, when granting an exemption from the source water treatment and lead service line replacement requirements for lead and copper under Sections 611.353 or 611.354, impose a condition that requires a supplier to use point-of-entry devices to avoid an unreasonable risk to health.

BOARD NOTE: Derived from 40 CFR 142.62(f) (1992 1994).

- e) Use of bottled water. Suppliers that propose to use or use bottled water as a condition for receiving a variance or an adjusted standard from the requirements of Section 611.301 or Section 611.311, or an adjusted standard from the requirements of Sections 611.351 through 611.354 must meet the requirements of either subsections (e)(1), (e)(2), (e)(3), and (e)(6) or (e)(4), (e)(5) and (e)(6) below:

- 1) The supplier must develop a monitoring program for Board approval that provides reasonable assurances that the bottled water meets all MCLs of Sections 611.301 and 611.311 and submit a description of this program as part of its petition. The proposed program must describe how the supplier will comply with each requirement of this subsection.

- 2) The supplier must monitor representative samples of the bottled water for all contaminants regulated under Sections 611.301 and 611.311 during the first three-month period that it supplies the bottled water to the public, and annually thereafter.

- 3) The supplier shall annually provide the results of the monitoring program to the Agency.

- 4) The supplier must receive a certification from the bottled water company as to each of the following:

A) that the bottled water supplied has been taken from an approved source of bottled water, as such is defined in Section 611.101;

B) that the approved source of bottled water has conducted monitoring in accordance with 21 CFR 129.80(g)(1) through (3);

C) and that the bottled water does not exceed any MCLs or quality limits as set out in 21 CFR 103.35, 110, and 129.

- 5) The supplier shall provide the certification required by subsection (e)(4) above to the Agency during the first quarter after it begins supplying bottled water and annually thereafter.

- 6) The supplier shall assure the provision of sufficient quantities of bottled water to every affected person supplied by the

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supplier via door-to-door bottled water delivery.

Derived from 40 CFR 142.62(g) (#992 1994).

- f) Use of point-of-entry devices. Before the Board grants any PWS a variance or adjusted standard from any NPDES that includes a condition requiring the use of a point-of-entry device, the supplier must demonstrate to the Board each of the following:

- 1) that the supplier will operate and maintain the device;
- 2) that the device provides health protection equivalent to that provided by central treatment;
- 3) that the supplier will maintain the microbiological safety of the water at all times;
- 4) that the supplier has established standards for performance, conducted a rigorous engineering design review, and field tested the device;
- 5) that the operation and maintenance of the device will account for any potential for increased concentrations of heterotrophic bacteria resulting through the use of activated carbon, by backwashing, post-contractor disinfection, and heterotrophic plate count monitoring;
- 6) that buildings connected to the supplier's distribution system have sufficient devices properly installed, maintained, and monitored to assure that all consumers are protected; and
- 7) that the use of the device will not cause increased corrosion of lead and copper bearing materials located between the device and the tap that could increase contaminant levels at the tap.

BOARD NOTE: Derived from 40 CFR 142.62(h) (#992 1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART B: FILTRATION AND DISINFECTION

Section 611.201 Requiring a Demonstration

The Agency shall notify each supplier in writing of the date on which any demonstrations pursuant to the Section are required. The Agency shall require demonstrations at time which meet the USEPA U.S. EPA requirements for that type of demonstration, allowing sufficient time for the supplier to collect the necessary information.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.212 Groundwater under Direct Influence of Surface Water

The Agency shall, pursuant to Section 611.201, require all CWSs to demonstrate whether they are using "groundwater under the direct influence of surface water" by June 29, 1994. The Agency shall determine with information provided

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by the supplier whether a PWS uses "groundwater under the direct influence of surface water" on an individual basis. The Agency shall determine that a groundwater source is under the direct influence of surface water based upon:

- a) Physical characteristics of the source: whether the source is obviously a surface water source, such as a lake or stream. Other sources which may be subject to influence from surface waters include: springs, infiltration galleries, wells or other collectors in subsurface aquifers.
- b) Well construction characteristics and geology with field evaluation.
 - 1) The Agency may use the wellhead protection program's requirements, which include delineation of wellhead protection areas, assessment of sources of contamination and implementation of management control systems, to determine if the wellhead is under the influence of surface water.
 - 2) Wells less than or equal to 50 feet in depth are likely to be under the influence of surface water.
 - 3) Wells greater than 50 feet in depth are likely to be under the influence of surface water, unless they include:
 - A) A surface sanitary seal using bentonite clay, concrete similar material,
 - B) A well casing that penetrates consolidated (slowly permeable) material, and
 - C) A well casing that is only perforated or screened below consolidated (slowly permeable) material.
 - 4) A source which is less than 200 feet from any surface water is likely to be under the influence of surface water.
- c) Any structural modifications to prevent the direct influence of surface water and eliminate the potential for Giardia lamblia cyst contamination.
- d) Source water quality records. The following are indicative that a source is under the influence of surface water:
 - 1) A record of total coliform or fecal coliform contamination in untreated samples collected over the past three years,
 - 2) A history of turbidity problems associated with the source, or
 - 3) A history of known or suspected outbreaks of Giardia lamblia or other pathogenic organism associated with surface water (e.g. cryptosporidium), which has been attributed to that source.
- e) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH.
 - 1) A variation in turbidity of 0.5 NTU or more over one year is indicative of surface influence.
 - 2) A variation in temperature of 9 Fahrenheit degrees or more over one year is indicative of surface influence.
- f) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH which closely correlate to climatological or surface water conditions are indicative of surface water influence.
 - 1) Evidence of particulate matter associated with the surface water,

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or
2) Turbidity or temperature data which correlates to that of a nearby water source.

g) Particulate analysis: Significant occurrence of insects or other macroorganisms, algae or large diameter pathogens such as Giardia lamblia is indicative of surface influence.

1) "Large diameter" particulates are those over 7 micrometers.

2) Particulates must be measured as specified in the "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", incorporated by reference in Section 611.102.

h) The potential for contamination by small-diameter pathogens, such as bacteria or virusis, does not alone render the source "under the direct influence of surface water".

Board Note: Derived from the definition of "groundwater under the direct influence of surface water" in 40 CFR 141.2 (1993/1994); from the Preamble at 54 Fed. Reg. 27489 (June 29, 1989); and from the USEPA U.S. EPA "Guidance Manual for Compliance with the Filtration and Disinfection Requirement for Public Water Systems using Surface Water Sources", incorporated by reference in Section 611.102.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.220 General Requirements

a) The requirements of this Subpart constitute NPDWRs. This Subpart establishes criteria under which filtration is required as a treatment technique for PWSs supplied by a surface water source and PWSs supplied by a groundwater source under the direct influence of surface water. In addition, these regulations establish treatment technique requirements in lieu of MCLs for the following contaminants: Giardia lamblia, viruses, HPC bacteria, Legionella and turbidity. Each supplier with a surface water source or a groundwater source under the direct influence of surface water shall provide treatment of that source water that complies with these treatment technique requirements. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:

- 1) At least 99.9 percent (3-log) removal or inactivation of Giardia lamblia cysts between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer; and
- 2) At least 99.99 percent (4-log) removal or inactivation of viruses between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer.

b) A supplier using a surface water source or a groundwater source under

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the direct influence of surface water is considered to be in compliance with the requirements of subsection (a) if:

1) It meets the requirements for avoiding filtration in Section 611.230 through 611.232 and the disinfection requirements in Section 611.241; or

2) It meets the filtration requirements in Section 611.250 and the disinfection requirements in Section 611.242.

c) Each supplier using a surface water source or a groundwater source under the direct influence of surface water shall have a certified operator pursuant to 35 Ill. Adm. Code 603.103 and ~~Ill. Rev. Stat. 1997-ch-117-27-par-561-et-seq~~ the Public Water Supply Operations Act [415 ILCS 45].

BOARD NOTE: Derived from 40 CFR 141.70 (1991 1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCL's)

Section 611.300 Old MCLs for Inorganic Chemicals

a) The old MCLs listed in subsection (b) below for inorganic chemicals apply only to CWS suppliers. Compliance with old MCLs for inorganic chemicals is calculated pursuant to Section 611.612, except that compliance with the MCL for arsenic is calculated pursuant to Section 611.611.

BOARD NOTE: Derived from 40 CFR 141.11(a) (1992 1994).

b) The following are the old MCL's for inorganic chemicals, with the old MCL for cyanide effective only until the revised MCL for cyanide at Section 611.301(a) becomes effective:

Contaminant	Level, mg/L	Additional State Requirement (*)
Arsenic.....	0.05	*
Cyanide.....	0.2	*
Iron.....	1.0	*
Manganese.....	1.15	*
Zinc.....	5.	*

BOARD NOTE: Derived from 40 CFR 141.11(b) & (c) (1992 1994). This provision, which corresponds with 40 CFR 141.11, was formerly the only listing of MCLs for inorganic parameters. However, USEPA U.S. EPA added another listing of inorganic MCLs at 40 CFR 141.62 at 56 Fed. Reg. 3594 (Jan. 30, 1991). Following the changing USEPA U.S. EPA codification scheme creates two listings of MCLs: one at this Section and one at Section 611.301. This causes fluoride to appear in both

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the 40 CFR 141.11(b) and 141.62(b) listings with the same MCL. The Board has deleted the corresponding fluoride MCL from this Section in favor of that which appears at Section 611.301(b). ~~USEPA-adopted-a MCL-for-cyanide-at-40-CFR-141.62(b)(1)(3)-effective-January-17--1994-at-57-Ped-Reg--31847-17-1992--that-MCL-is-the-same-as-that at-this-Section--The-Board-has-rendered-the-state-MCL-at-this-Section ineffective-on-the-date-the-new-federal-MCL-becomes-effective.~~

c) This subsection corresponds with 40 CFR 141.11(c), the substance of which the Board has codified in subsection (b) above. This statement maintains structural parity with the federal rules.

d) Nitrate.

1) The Board incorporates by reference 40 CFR 141.11(d) (1992 1994). This incorporation includes no later editions or amendments.

2) Non-CWSs may exceed the MCL for nitrate under the following circumstances:

A) The nitrate level must not exceed 20 mg/L,
B) The water must not be available to children under six months of age,

C) There will not continuous posting of the fact that the nitrate level exceeds 10 mg/L together with the public health effects information set forth in paragraph (2) of Section 611. Appendix A,

D) The supplier will annually notify local public health authorities and Public Health of the nitrate levels that exceed 10 mg/L, and

E) No adverse public health effects results.

BOARD NOTE: Derived from 40 CFR 141.11(d) (1992 1994). Public Health regulations may impose a nitrate limitation requirement. Those regulations are at 77 Ill. Adm. Code 900.50.

e) The following supplementary condition applies to the MCLs listed in subsection (b) above for iron and manganese:

1) CWS suppliers that serve a population of 1000 or less, or 300 service connections or less, are exempt from the standards for iron and manganese.

2) The Agency may, by special exception permit, allow iron and manganese in excess of the MCL if sequestration tried on an experimental basis proves to be effective. If sequestration is not effective, positive iron or manganese reduction treatment as applicable must be provided. Experimental use of a sequestering agent may be tried only if approved by special exception permit.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.301 Revised MCLs for Inorganic Chemicals

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a) This subsection corresponds with 40 CFR 141.62(a), reserved by USEPA U.S. EPA. This statement maintains structural consistency with USEPA U.S. EPA rules.

b) The MCLs in the following table apply to CWSs. Except for fluoride, the MCLs also apply to NTNCWSs. The MCLs for nitrate, nitrite and total nitrate and nitrite also apply to transient non-CWSs. The MCLs for antimony, beryllium, cyanide, nickel, and thallium are effective January 17, 1994.

Contaminant	MCL	Units
Antimony	0.006	mg/L
Asbestos	7	MFL
Barium	2	mg/L
Beryllium	0.004	mg/L
Cadmium	0.005	mg/L
Chromium	0.1	mg/L
Cyanide (as free CN)	0.2	mg/L
Mercury	0.002	mg/L
Nickel	0.1	mg/L
Nitrate (as N)	10.	mg/L
Nitrite (as N)	1.	mg/L
Total Nitrate and Nitrite (as N)	10.	mg/L
Selenium	0.05	mg/L
Thallium	0.002	mg/L

BOARD NOTE: See the definition of "initial compliance period" at Section 611.101. The federal secondary MCL for fluoride is 2.0 mg/L. The federal regulations require public notice when water exceeds this level. See 40 CFR 143.3 and 143.5 (1992 1994).

c) USEPA U.S. EPA has identified the following as BAT for achieving compliance with the MCL for the inorganic contaminants identified in subsection (b) above, except for fluoride:

Contaminant	BAT(s)
Antimony	C/F RO
Asbestos	C/F DDF CC
Barium	IX LIME RO ED

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Beryllium

AA
C/F
IX
LIME
RO
C/F
IX
LIME
RO

Cadmium

Chromium

C/F
IX
LIME, BAT For Cr(III) only
RO

Cyanide

IX
RO
CI

Mercury

C/F, Bat only if influent Hg concentrations less than or equal to (\leq) 10 ug/L
GAC
LIME, BAT only if influent Hg concentrations \leq 10 ug/L
RO, BAT only if influent Hg concentrations \leq 10 ug/L
(ug=micrograms)

Nickel

IX
LIME
RO

Nitrate

IX
RO
ED

Nitrite

IX
RO

Selenium

AAL
C/F, BAT for Se(IV) only
LIME
RO
ED

Thallium

AAL
IX

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Abbreviations

AAL Activated alumina
C/F Coagulation/filtration
DDF Direct and diatomite filtration
GAC Granular activated carbon
IX Ion exchange
LIME Lime softening
RO Reverse osmosis
CC Corrosion control
ED Electrodialysis
CL Oxidation (chlorine)
UV Ultraviolet irradiation

BOARD NOTE: Derived from 40 CFR 141.62 (1992), as amended at 57 Fed. Reg. 31847 (July 17, 1992 1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.310 Old MCLs for Organic Chemicals

The following are the MCLs for organic chemicals. The MCLs for organic chemicals in subsections (a) and (b) apply to all CWSs. Compliance with the MCLs in subsections (a) and (b) is calculated pursuant to Section 611.641 et seq. Compliance with the MCL for TTHM is calculated pursuant to Subpart P.

Contaminant	Level	Additional mg/L	State Requirement (*)
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a) Chlorinated hydrocarbons:

Aldrin.....	0.001	*
DDT.....	0.05	*
Dieldrin.....	0.001	*
Heptachlor.....	0.0001	*
Heptachlor epoxide.....	0.0001	*

BOARD NOTE: Originally derived from 40 CFR 141.12(a) (1991 1994), USEPA U.S. EPA removed the last entry in this subsection and marked it reserved at 57 Fed. Reg. 31838 (July 17, 1992). USEPA U.S. EPA added another listing of organic MCLs at 40 CFR 141.61 (1992 1994) 7-29 amended at 57 Fed. Reg. 31847-31848. Heptachlor, Heptachlor epoxide, and 2,4-D appear in both this Section and in Section 611.311, with a different MCL in each Section. The heptachlor, heptachlor epoxide, and 2,4-D MCLs in this Section are Illinois limitations that are more stringent than the federal requirements. However, detection of these contaminants or violation of their federally-derived revised Section 611.311 MCLs imposes more stringent monitoring, reporting, and notice requirements.

b) Chlorophenoxys:

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2,4-D..... 0.01 *

BOARD NOTE: Originally derived from 40 CFR 141.12(b) (1991 1994),
 USEPA U.S. EPA removed the last entry in this subsection and marked it
 reserved at 56 Fed. Reg. 3578 (Jan. 30, 1991). See the preceding
 Board Note regarding the dual listing of MCLs for 2,4-D. *

c) THM..... 0.10

BOARD NOTE: Derived in part from 40 CFR 141.12(c) (1992 1994). This
 is an additional State requirement to the extent it applies to
 supplies other than CWSs that add a disinfectant at any part of
 treatment and which provide water to 10,000 or more individuals.

(Source: Amended at 19 Ill. Reg. _____, effective
 _____)

Section 611.311 Revised MCLs for Organic Contaminants

a) Volatile organic chemical contaminants. The following MCLs for
 volatile organic chemical contaminants (VOCs) apply to CWS suppliers
 and NTNCWS suppliers. The MCLs for dichloromethane,
 1,2,4-trichlorobenzene, and 1,1,2-trichloroethane are effective
 January 17, 1994.

CAS No.	Contaminant	MCL (mg/L)
71-43-2	Benzene	0.005
56-23-5	Carbon tetrachloride	0.005
95-50-1	o-Dichlorobenzene	0.6
106-46-7	p-Dichlorobenzene	0.075
107-06-2	1,2-Dichloroethane	0.005
75-35-4	1,1-Dichloroethylene	0.007
156-59-2	cis-1,2-Dichloroethylene	0.07
156-60-5	trans-1,2-Dichloroethylene	0.1
75-09-2	Dichloromethane (methylene chloride)	0.005
78-87-5	1,2-Dichloropropane	0.005
100-41-4	Ethylbenzene	0.7
108-90-7	Monochlorobenzene	0.1
100-42-5	Styrene	0.1
127-18-4	Tetrachloroethylene	0.005
108-88-3	Toluene	1
120-82-1	1,2,4-Trichlorobenzene	0.07
71-55-6	1,1,1-Trichloroethane	0.2
79-00-5	1,1,2-Trichloroethane	0.005
79-01-6	Trichloroethylene	0.005
75-01-4	Vinyl chloride	0.002
1330-20-7	Xylenes (total)	10

BOARD NOTE: See the definition of "initial compliance period" at
 Section 611.101.

b) USEPA U.S. EPA carbon has identified, as indicated below, granular

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activated carbon (GAC), packed tower aeration (PTA), or oxidation (OX)
 as BAT for achieving compliance with the MCLs for volatile organic
 chemical contaminants and synthetic organic chemical contaminants in
 subsections (a) and (c) of this Section.

15972-60-8	Alachlor	GAC
116-06-3	Aldicarb	GAC
1646-88-4	Aldicarb sulfone	GAC
1646-87-3	Aldicarb sulfoxide	GAC
1912-24-9	Atrazine	GAC
71-43-2	Benzene	GAC, PTA
50-32-8	Benzo[a]pyrene	GAC
1563-66-2	Carbofuran	GAC
56-23-5	Carbon tetrachloride	GAC, PTA
57-74-9	Chlordane	GAC
94-75-7	2,4-D	GAC
75-99-0	Dalapon	GAC
96-12-8	Dibromochloropropane	GAC, PTA
95-50-1	o-Dichlorobenzene	GAC, PTA
106-46-7	p-Dichlorobenzene	GAC, PTA
107-06-2	1,2-Dichloroethane	GAC, PTA
156-59-2	cis-1,2-Dichloroethylene	GAC, PTA
156-60-5	trans-1,2-Dichloroethylene	GAC, PTA
75-35-4	1,1-Dichloroethylene	GAC, PTA
75-09-2	Dichloromethane	PTA
78-87-5	1,2-Dichloropropane	GAC, PTA
103-23-1	Di(2-ethylhexyl)adipate	GAC, PTA
117-81-7	Di(2-ethylhexyl)phthalate	GAC
88-85-7	Dinoseb	GAC
85-00-7	Diquat	GAC
145-73-3	Endothall	GAC
106-93-4	Ethylene dibromide (EDB)	GAC, PTA
100-41-4	Ethylbenzene	GAC, PTA
1071-53-6	Glyphosate	OX
76-44-8	Heptachlor	GAC
1024-57-3	Heptachlor epoxide	GAC
118-74-1	Hexachlorobenzene	GAC
77-47-3	Hexachlorocyclopentadiene	GAC, PTA
58-89-9	Lindane	GAC
72-43-5	Methoxychlor	GAC
108-90-7	Monochlorobenzene	GAC, PTA
23135-22-0	Oxamyl	GAC
87-86-5	Pentachlorophenol	GAC
1918-02-1	Picloram	GAC
1336-36-3	Polychlorinated biphenyls (PCB)	GAC
122-34-9	Simazine	GAC
100-42-5	Styrene	GAC, PTA
1746-01-6	2,3,7,8-TCDD	GAC

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127-18-4	Tetrachloroethylene	GAC, PTA
108-88-3	Toluene	GAC
8001-35-2	Toxaphene	GAC
120-82-1	1,2,4-trichlorobenzene	GAC, PTA
71-55-6	1,1,1-Trichloroethane	GAC, PTA
79-00-5	1,1,2-trichloroethane	GAC, PTA
79-01-6	Trichloroethylene	GAC, PTA
93-72-1	2,4,5-TP	GAC
75-01-4	Vinyl chloride	PTA
1330-20-7	Xylene	GAC, PTA

~~BOARD-NOTE--Examination-of-the-preamble-to-the-phase-II-amendment-at-56-Fed-Reg-3529-(Jan-30-1993)-indicates-that-USEPA-may-not-have intended-the-adoption-of-PTA-for-BAT-for-toxaphene--The-Board included-it-because-that-is-what-the-federal-rule-actually-indicates--See-the-Board-Note-to-Section-611.325.~~

c) Synthetic organic chemical contaminants. The following MCLs for synthetic organic chemical contaminants (SOCs) apply to CWS and NTNCWS suppliers. The MCLs for benzo(a)pyrene, dalapon, di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin, glyphosate, hexachlorobenzene, hexachlorocyclopentadiene, oxamyl (vydate), picloram, simazine, and 2,3,7,8-TCDD (dioxin) are effective January 17, 1994.

CAS Number	Contaminant	MCL (mg/L)
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15972-60-8	Alachlor	0.002
116-06-3	Aldicarb	0.003
1646-87-4	Aldicarb sulfone	0.002
1646-87-3	Aldicarb sulfoxide	0.004
1312-24-8	Atrazine	0.003
50-32-8	Benzo(a)pyrene	0.0002
1563-66-2	Carbofuran	0.04
57-74-9	Chlordane	0.002
94-75-7	2,4-D	0.07
75-99-0	Dalapon	0.2
96-12-8	Dibromochloropropane	0.0002
103-23-1	Di(2-ethylhexyl)adipate	0.4
117-81-7	Di(2-ethylhexyl)phthalate	0.006
88-85-7	Dinoseb	0.007
85-00-7	Diquat	0.02
145-73-3	Endothall	0.1
72-20-3	Endrin	0.002
106-93-4	Ethylene dibromide	0.0005
1071-53-6	Glyphosate	0.7
76-44-8	Heptachlor	0.0004
1024-57-3	Heptachlor epoxide	0.0002
118-74-1	Hexachlorobenzene	0.001
77-47-4	Hexachlorocyclopentadiene	0.05

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58-89-9	Lindane	0.0002
72-43-5	Methoxychlor	0.04
23135-22-0	Oxamyl (Vydate)	0.2
87-86-5	Pentachlorophenol	0.001
1918-02-1	Picloram	0.5
1336-36-3	Polychlorinated biphenyls (PCBs)	0.0005
122-34-9	Simazine	0.004
1746-01-6	2,3,7,8-TCDD (Dioxin)	0.00000003
8001-35-2	Toxaphene	0.003
93-72-1	2,4,5-TP	0.05

BOARD NOTE: Derived from 40 CFR 141.61 (1992) 1994) 7-89-amended-at-57 Fed-Reg-31847-(July-17-1993). See the definition of "initial compliance period" at Section 611.101. More stringent state MCLs for 2,4-D, heptachlor, and heptachlor epoxide appear at Section 611.310. See the Board Note at that provision. The effectiveness of the MCLs for aldicarb, aldicarb sulfone, and aldicarb sulfoxide are administratively stayed until the Board takes further administrative action to end this stay. However, suppliers must monitor for these three SOC pursuant to Section 611.648. See 40 CFR 141.6(g) (1992) 1994) and 57 Fed. Reg. 22178 (May 27, 1992).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.325 Microbiological Contaminants

- a) The MCL is based on the presence or absence of total coliforms in a sample, rather than coliform density.
- 1) For a supplier which collects at least 40 samples per month, if no more than 5.0 percent of the samples collected during a month are total coliform-positive, the supplier is in compliance with the MCL for total coliforms.
 - 2) For a supplier which collects fewer than 40 samples per month, if no more than one sample collected during a month is a total coliform-positive, the supplier is in compliance with the MCL for total coliforms.
- b) Any fecal coliform-positive repeat sample or E. coli-positive repeat sample, or any total coliform-positive repeat sample following a fecal coliform-positive or E. coli-positive routine sample, constitutes a violation of the MCL for total coliforms. For purposes of the public notification requirements in Section 611.851 et seq., this is a violation that may pose an acute risk to health.
- c) A supplier shall determine compliance with the MCL for total coliforms in subsections (a) and (b) for each month in which it is required to monitor for total coliforms.
- d) BATs for achieving compliance with the MCL for total coliforms in subsections (a) and (b):
- 1) Protection of wells from contamination by coliforms by

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- appropriate placement and construction;
- 2) Maintenance of RDC throughout the distribution system;
 - 3) Proper maintenance of the distribution system including appropriate pipe replacement and repair procedures, main flushing programs, proper operation and maintenance of storage tanks and reservoirs and continual maintenance positive water pressure in all parts of the distribution system;
 - 4) Filtration and disinfection of surface water, as described in Subpart B, or disinfection of groundwater using strong oxidants such as chlorine, chlorine dioxide or ozone; or
 - 5) For systems using groundwater, compliance with the wellhead protection program, after USEPA U.S. EPA approves the program.
- BOARD NOTE: Derived from 40 CFR 141.63 (1992) 7-25-amended-at 54-Ped-Reg.-275627-June-29-1989.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART G: LEAD AND COPPER

Section 611.350 General Requirements

- a) Applicability and Scope
 - 1) Applicability. The requirements of this Subpart constitute national primary drinking water regulations for lead and copper. This Subpart applies to all community water systems (CWSs) and non-transient, non-community water systems (NTNCWSs).
 - 2) Scope. This Subpart establishes a treatment technique that includes requirements for corrosion control treatment, source water treatment, lead service line replacement, and public education. These requirements are triggered, in some cases, by lead and copper action levels measured in samples collected at consumers' taps.
- b) Definitions. For the purposes of only this Subpart, the following terms shall have the following meanings:

"Action level" means the concentration of lead or copper in water computed pursuant to subsection (c) below that determines, in some cases, the treatment requirements of this Subpart which a supplier must complete. The action level for lead is 0.015 mg/L. The action level for copper is 1.3 mg/L.

"Corrosion inhibitor" means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

"Effective corrosion inhibitor residual" means a concentration of

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inhibitor in the drinking water sufficient to form a passivating film on the interior walls of a pipe.

"Exceed", as this term is applied to either the lead or the copper action level, means that the 90th percentile level of the supplier's samples collected during a six-month monitoring period is greater than the action level for that contaminant.

"First draw sample" means a one-liter sample of tap water, collected in accordance with Section 611.356(b)(2), that has been standing in plumbing pipes for at least 6 hours and which is collected without flushing the tap.

"Large system" means a water system that regularly serves water to more than 50,000 persons.

"Lead service line", means a service line made of lead that connects the water main to the building inlet, including any lead pigtail, gooseneck, or other fitting that is connected to such lead line.

"Maximum permissible concentration" or "MPC" means that concentration of lead or copper for finished water entering the supplier's distribution system, designated by the Agency by a SPZ pursuant to Sections 611.110 and 611.353(b) that reflects the contaminant removal capability of the treatment properly operated and maintained.

BOARD NOTE: Derived from 40 CFR 141.83(b)(4) (1992) 1994) (Section 611.353(b)(4)(B)).

"Medium-sized system" means a water system that regularly serves water to more than 3,300 up to 50,000 or fewer persons.

"Meet", as this term is applied to either the lead or the copper action level, means that the 90th percentile level of the supplier's samples collected during a six-month monitoring period is less than or equal to the action level for that contaminant.

"Method detection limit" or "MDL" is as defined at Section 611.646(a). The MDL for lead is 0.001 mg/L. The MDL for copper is 0.001 mg/L, or 0.020 mg/L by atomic absorption direct aspiration method.

BOARD NOTE: Derived from 40 CFR 141.89(a)(1)(iii) (1992) 1994).

"Monitoring period" means any of the six-month periods of time during which a supplier must complete a cycle of monitoring under this Subpart.

BOARD NOTE: USEPA refers to these as "monitoring periods". The

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Board uses "six-month monitoring period" to avoid confusion with "compliance period", as used elsewhere in this Part and defined at Section 611.101.

"Multiple-family residence" means a building that is currently used as a multiple-family residence, but not one that is also a "single-family structure".

"90th percentile level" means that concentration of lead or copper contaminant exceeded by 10 percent or fewer of all samples collected during a six-month monitoring period pursuant to Section 611.356 (i.e., that concentration of contaminant greater than or equal to the results obtained from 90 percent of the samples). The 90th percentile levels for copper and lead shall be determined pursuant to subsection (c)(3) below.

BOARD NOTE: Derived from 40 CFR 141.80(c) (~~1992~~1994).

"Optimal corrosion control treatment" means the corrosion control treatment that minimizes the lead and copper concentrations at users' taps while ensuring that the treatment does not cause the water system to violate any national primary drinking water regulations.

"Practical quantitation limit" or "PQL" means the lowest concentration of a contaminant that a well-operated laboratory can reliably achieve within specified limits of precision and accuracy during routine laboratory operating conditions. The PQL for lead is 0.005 mg/L. The PQL for copper is 0.050 mg/L.

BOARD NOTE: Derived from 40 CFR 141.89(a)(1)(ii) and (a)(1)(iv) (~~1992~~1994) and ~~56-PQS-Reg-26511-12-June-97-1991-preambler-USEPA-has-generally-defined-the-PQL-as-5-to-10-times-the-method detection-limit.~~

"Service line sample" means a one-liter sample of water, collected in accordance with Section 611.356(b)(3), that has been standing for at least 6 hours in a service line.

"Single-family structure" means a building that was constructed as a single-family residence and which is currently used as either a residence or a place of business.

"Small system" means a water system that regularly serves water to 3,300 or fewer persons.

BOARD NOTE: Derived from 40 CFR 141.2 (~~1992~~1994).

c) Lead and Copper Action Levels:

1) The lead action level is exceeded if the 90th percentile lead level is greater than 0.015 mg/L.

2) The copper action level is exceeded if the 90th percentile copper

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level is greater than 1.3 mg/L.

3) Suppliers shall compute the 90th percentile lead and copper levels as follows:

A) List the results of all lead or copper samples taken during a six-month monitoring period in ascending order, ranging from the sample with the lowest concentration first to the sample with the highest concentration last. Assign each sampling result a number, ascending by single integers beginning with the number 1 for the sample with the lowest contaminant level. The number assigned to the sample with the highest contaminant level shall be equal to the total number of samples taken.

B) Determine the number for the 90th percentile sample by multiplying the total number of samples taken during the six-month monitoring period by 0.9.

C) The contaminant concentration in the sample with the number yielded by the calculation in subsection (c)(3)(B) above is the 90th percentile contaminant level.

D) For suppliers that collect 5 samples per six-month monitoring period, the 90th percentile is computed by taking the average of the highest and second highest concentrations.

d) Corrosion Control Treatment Requirements:

1) All suppliers shall install and operate optimal corrosion control treatment.

2) Any supplier that complies with the applicable corrosion control treatment requirements specified by the Agency pursuant to Sections 611.351 and 611.352 is deemed in compliance with the treatment requirement of subsection (d)(1) above.

e) Source water treatment requirements. Any supplier whose system exceeds the lead or copper action level shall implement all applicable source water treatment requirements specified by the Agency pursuant to Section 611.353.

f) Lead service line replacement requirements. Any supplier whose system exceeds the lead action level after implementation of applicable corrosion control and source water treatment requirements shall complete the lead service line replacement requirements contained in Section 611.354.

g) Public education requirements. Any supplier whose system exceeds the lead action level shall implement the public education requirements contained in Section 611.355.

h) Monitoring and analytical requirements. Suppliers shall complete all tap water monitoring for lead and copper, monitoring for water quality parameters, source water monitoring for lead and copper, and analyses of the monitoring results under this Subpart in compliance with Sections 611.356, 611.357, 611.358, and 611.359.

i) Reporting requirements. Suppliers shall report to the Agency any information required by the treatment provisions of this Subpart and

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Section 611.630.

- j) Recordkeeping requirements. Suppliers shall maintain records in accordance with Section 611.361.
- k) Violation of national primary drinking water regulations. Failure to comply with the applicable requirements of this Subpart, including conditions imposed by the Agency by special exception permit (SEP) pursuant to these provisions, shall constitute a violation of the national primary drinking water regulations for lead or copper.

BOARD NOTE: Derived from 40 CFR 141.80 (19921994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.351 Applicability of Corrosion Control

- a) Corrosion control required. Suppliers shall complete the applicable corrosion control treatment requirements described in Section 611.352 on or before the deadlines set forth in this Section.

1) Large systems. Each large system supplier (one regularly serving more than 50,000 persons) shall complete the corrosion control treatment steps specified in subsection (d) below, unless it is deemed to have optimized corrosion control under subsection (b)(2) or (b)(3) below.

2) Medium-sized and small systems. Each small system supplier (one regularly serving 3300 or fewer persons) and each medium-sized system (one regularly serving more than 3,300 up to 50,000 or fewer persons) shall complete the corrosion control treatment steps specified in subsection (e) below, unless it is deemed to have optimized corrosion control under one of subsections (b)(1), (b)(2), or (b)(3) below.

- b) Suppliers deemed to have optimized corrosion control. A supplier is deemed to have optimized corrosion control, and is not required to complete the applicable corrosion control treatment steps identified in this Section, if the supplier satisfies one of the following criteria:

1) Small or medium-sized system meeting action levels. A small system or medium-sized system supplier is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two consecutive six-month monitoring periods with monitoring conducted in accordance with Section 611.356.

2) SEP for equivalent activities to corrosion control. The Agency shall, by a SEP granted pursuant to Section 611.110, deem any supplier to have optimized corrosion control treatment if it determines that the supplier has conducted activities equivalent to the corrosion control steps applicable under this Section. In making this determination, the Agency shall specify the water quality control parameters representing optimal corrosion control

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in accordance with Section 611.352(f). A supplier shall provide the Agency with the following information in order to support an Agency SEP determination under this subsection:

- A) the results of all test samples collected for each of the water quality parameters in Section 611.352(c)(3);
- B) a report explaining the test methods the supplier used to evaluate the corrosion control treatments listed in Section 611.352(c)(1), the results of all tests conducted, and the basis for the supplier's selection of optimal corrosion control treatment;
- C) a report explaining how the supplier has installed corrosion control and how the supplier maintains it to insure minimal lead and copper concentrations at consumer's taps; and
- D) the results of tap water samples collected in accordance with Section 611.356 at least once every six months for one year after corrosion control has been installed.
- 3) Results less than practical quantitation level for lead. Any supplier is deemed to have optimized corrosion control if it submits results of tap monitoring conducted in accordance with Section 611.356 and source water monitoring conducted in accordance with Section 611.358 that demonstrate that for two consecutive six-month monitoring periods the difference between the 90th percentile tap water lead level, computed pursuant to Section 611.350(c)(3), and the highest source water lead concentration is less than the practical quantitation level for lead specified in Section 611.359(a)(1)(B)(i).
- c) Suppliers not required to complete corrosion control steps for having met both action levels.
- 1) Any small system or medium-sized system supplier, otherwise required to complete the corrosion control steps due to its exceedance of the lead or copper action level, may cease completing the treatment steps after the supplier has fulfilled both of the following conditions:
- A) It has met both the copper action level and the lead action level during each of two consecutive six-month monitoring periods conducted pursuant to Section 611.356, and
- B) the supplier has submitted the results for those two consecutive six-month monitoring periods to the Agency.
- 2) A supplier that has ceased completing the corrosion control steps pursuant to subsection (c)(1) above (or the Agency, if appropriate) shall resume completion of the applicable treatment steps, beginning with the first treatment step that the supplier previously did not complete in its entirety, if the supplier thereafter exceeds the lead or copper action level during any monitoring period.
- 3) The Agency may, by SEP, require a supplier to repeat treatment steps previously completed by the supplier where it determines that this is necessary to properly implement the treatment

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requirements of this Section. Any such SEP shall explain the basis for this decision.

- 4) The requirement for any small or medium-sized system supplier to implement corrosion control treatment steps in accordance with subsection (e) below (including systems deemed to have optimized corrosion control under subsection (b)(1) above) is triggered whenever any small or medium-sized system supplier exceeds the lead or copper action level.

d) Treatment steps and deadlines for large systems. Except as provided in subsections (b)(2) and (b)(3) above, large system suppliers shall complete the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356, and 611.357) on or before the indicated dates.

- 1) Step 1: The supplier shall conduct initial monitoring (Sections 611.356(d)(1) and 611.357(b)) during two consecutive six-month monitoring periods on or before January 1, 1993.

BOARD NOTE: USEPA U.S. EPA specified January 1, 1993 at 40 CFR 141.81(d)(1). In order to remain identical-in-substance and to retain state primacy, the Board retained this date despite the fact that this Section became effective after that date.

- 2) Step 2: The supplier shall complete corrosion control studies (Section 611.352(c)) on or before July 1, 1994.
- 3) Step 3: The Agency shall approve optimal corrosion control treatment (Section 611.352(d)) by a SEP issued pursuant to Section 611.110 on or before January 1, 1995.
- 4) Step 4: The supplier shall install optimal corrosion control treatment (Section 611.352(e)) by January 1, 1997.
- 5) Step 5: The supplier shall complete follow-up sampling (Sections 611.356(d)(2) and 611.357(c)) by January 1, 1998.
- 6) Step 6: The Agency shall review installation of treatment and approve optimal water quality control parameters (Section 611.352(f)) by July 1, 1998.
- 7) Step 7: The supplier shall operate in compliance with the Agency-specified optimal water quality control parameters (Section 611.352(g)) and continue to conduct tap sampling (Sections 611.356(d)(3) and 611.357(d)).

e) Treatment steps and deadlines for small medium-sized system suppliers. Except as provided in subsection (b) above, small and medium-sized system suppliers shall complete the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356 and 611.357) by the indicated time periods.

- 1) Step 1: The supplier shall conduct initial tap sampling (Sections 611.356(d)(1) and 611.357(b)) until the supplier either exceeds the lead action level or the copper action level or it becomes eligible for reduced monitoring under Section 611.356(d)(4). A supplier exceeding the lead action level or the copper action level shall recommend optimal corrosion control treatment (Section 611.352(a)) within six months after it exceeds

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one of the action levels.

- 2) Step 2: Within 12 months after a supplier exceeds the lead action level or the copper action level, the Agency may require the supplier to perform corrosion control studies (Section 611.352(b)). If the Agency does not require the supplier to perform such studies, the Agency shall, by a SEP issued pursuant to Section 611.110, specify optimal corrosion control treatment (Section 611.352(d)) within the following timeframes:
 - A) for medium-sized systems, within 18 months after such supplier exceeds the lead action level or the copper action level,
 - B) for small systems, within 24 months after such supplier exceeds the lead action level or the copper action level.

- 3) Step 3: If the Agency requires a supplier to perform corrosion control studies under step 2 (subsection (e)(2) above), the supplier shall complete the studies (Section 611.352(c)) within 18 months after the Agency requires that such studies be conducted.

- 4) Step 4: If the supplier has performed corrosion control studies under step 2 (subsection (e)(2) above), the Agency shall, by a SEP issued pursuant to Section 611.110, approve optimal corrosion control treatment (Section 611.352(d)) within 6 months after completion of step 3 (subsection (e)(3) above).

- 5) Step 5: The supplier shall install optimal corrosion control treatment (Section 611.352(e)) within 24 months after the Agency approves such treatment.

- 6) Step 6: The supplier shall complete follow-up sampling (Sections 611.356(d)(2) and 611.357(c)) within 36 months after the Agency approves optimal corrosion control treatment.

- 7) Step 7: The Agency shall review the supplier's installation of treatment and, by a SEP issued pursuant to Section 611.110, approve optimal water quality control parameters (Section 611.352(f)) within 6 months after completion of step 6 (subsection (e)(6) above).

- 8) Step 8: The supplier shall operate in compliance with the Agency-approved optimal water quality control parameters (Section 611.352(g)) and continue to conduct tap sampling (Sections 611.356(d)(3) and 611.357(d)).

BOARD NOTE: Derived from 40 CFR 141.81 (19921994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.354 Lead Service Line Replacement

a) Suppliers required to replace lead service lines.

- 1) If the results from tap samples taken pursuant to Section 611.356(d)(2) exceed the lead action level after the supplier has

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installed corrosion control or source water treatment (whichever sampling occurs later), the supplier shall recommence replacing leading service lines in accordance with the requirements of subsection (b) below.

- 2) If a supplier is in violation of Section 611.351 or Section 611.353 for failure to install source water or corrosion control treatment, the Agency may, by a SEP issued pursuant to Section 611.110, require the supplier to commence lead service line replacement under this Section after the date by which the supplier was required to conduct monitoring under Section 611.356(d)(2) has passed.

b) Annual replacement of lead service lines.

- 1) A supplier required to commence lead service line replacement pursuant to subsection (a) above shall annually replace at least 7 percent of the initial number of lead service lines in its distribution system.
- 2) The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins.
- 3) The supplier shall identify the initial number of lead service lines in its distribution system based on a materials evaluation, including the evaluation required under Section 611.356(a).
- 4) The first year of lead service line replacement shall begin on the date the supplier exceeded the action level in tap sampling referenced in subsection (a) above.

c) Service lines not needing replacement. A supplier is not required to replace any individual lead service line for which the lead concentrations in all service line samples taken from that line pursuant to Section 611.356(b)(3) are less than or equal to 0.015 mg/L.

d) Replacement of service line.

- 1) A supplier required to replace a lead service line pursuant to subsection (a) above shall replace the entire service line (up to the building inlet) unless the Agency determines pursuant to subsection (e) below that the supplier controls less than the entire service line.

2) Replacement of less than the entire service line.

- A) Where the Agency has determined that the supplier controls less than the entire service line, the supplier shall replace that portion of the line that the Agency determines is under the supplier's control.

- B) The supplier that will replace less than the entire service line shall notify the user served by the line that the supplier will replace that portion of the service line under its control, and the supplier shall offer to replace the remaining portion of the service line that is under the building owner's control.

- C) The supplier required to replace less than the entire service line is not required to bear the cost of replacing

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any portion of the service line that is under the building owner's control.

D) Offer to collect samples.

- i) For buildings where only a portion of the lead service line is replaced, the supplier shall inform the resident(s) that the supplier will collect a first draw tap water sample after partial replacement of the service line is completed if the resident(s) so desire.

- ii) In cases where the resident(s) accept the offer, the supplier shall collect the sample and report the results to the resident(s) within 14 days following partial lead service line replacement.

e) Control of entire service line.

- 1) A supplier is presumed to control the entire lead service line (up to the building inlet) unless the supplier demonstrates to the satisfaction of the Agency, in a letter submitted under Section 611.360(e)(4), that it does not have any of the following forms of control over the entire line (as defined by state statutes, municipal ordinances, public service contracts or other applicable legal authority):

- A) authority to set standards for construction, repair, or maintenance of the line;
- B) authority to replace, repair, or maintain the service line; or
- C) ownership of the service line.

2) Agency determinations.

- A) The Agency shall review the information provided by the supplier and determine the following:

- i) whether the supplier controls less than the entire service line, and
- ii) where the supplier controls less than the entire service line, the Agency shall determine the extent of the supplier's control.

- B) The Agency shall make its determination of the extent of a supplier's control of a service line as a SEP pursuant to Section 611.110, and the Agency shall explain the basis for its determination.

BOARD NOTE: See Section 611.360(e)(4) and the Board Note that follows. The court in *American Water Works Association v. EPA*, 40 F.3d 1266 (D.C. Cir. 1994), vacated U.S. EPA's definition of "control" to the extent it would require the supplier to exert "control" over a privately-owned service connection. The Board does not intend that the Illinois definition give the State regulations more effect than the Federal definition gives the U.S. EPA regulations.

- f) Agency determination of shorter replacement schedule.

- 1) The Agency shall, by a SEP issued pursuant to Section 611.110,

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require a supplier to replace lead service lines on a shorter schedule than that otherwise required by this Section if it determines, taking into account the number of lead service lines in the system, that such a shorter replacement schedule is feasible.

2) The Agency shall notify the supplier of its finding pursuant to subsection (f)(1) above within 6 months after the supplier is triggered into lead service line replacement based on monitoring, as referenced in subsection (a) above.

g) Cessation of service line replacement.

1) Any supplier may cease replacing lead service lines whenever it fulfills both of the following conditions:

A) first draw tap samples collected pursuant to Section 611.356(b)(2) meet the lead action level during each of two consecutive six-month monitoring periods and

B) the supplier has submitted those results to the Agency.

2) If any of the supplier's first draw tap samples thereafter exceed the lead action level, the supplier shall recommence replacing lead service lines pursuant to subsection (b) above.

h) To demonstrate compliance with subsections (a) through (d) above, a supplier shall report to the Agency the information specified in Section 611.356(e).

BOARD NOTE: Derived from 40 CFR 141.84 (1992)(94).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.357 Monitoring for Water Quality Parameters

All large system suppliers, and all small and medium-sized system suppliers that exceed the lead action level or the copper action level, shall monitor water quality parameters in addition to lead and copper in accordance with this Section. The requirements of this Section are summarized in Section 611.356(a).

G. a) General Requirements

1) Sample collection methods

A) Use of tap samples. The totality of all tap samples collected by a supplier shall be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the supplier, and seasonal variability. Although a supplier may conveniently conduct tap sampling for water quality parameters at sites used for coliform sampling performed pursuant to Subpart L of this Part, it is not required to do so, and a supplier is not required to perform tap sampling pursuant to this Section at taps targeted for lead and copper sampling under Section 611.356(a).

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B) Use of entry point samples. Each supplier shall collect samples at entry point(s) to the distribution system from locations representative of each source after treatment. If a supplier draws water from more than one source and the sources are combined before distribution, the supplier must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

2) Number of samples

A) Tap samples. Each supplier shall collect two tap samples for applicable water quality parameters during each six-month monitoring period specified under subsections (b) through (e) below from the number of sites indicated in the first column of Section 611.356(d)(1).

B) Entry point samples.

i) Initial monitoring. Each supplier shall collect two samples for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsection (b) below.

ii) Subsequent monitoring. Each supplier shall collect one sample for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsections (c) through (e) below.

b) Initial Sampling.

1) Large systems. Each large system supplier shall measure the applicable water quality parameters specified in subsection (b)(3) below at taps and at each entry point to the distribution system during each six-month monitoring period specified in Section 611.356(d)(1).

2) Small and medium-sized systems. Each small and medium-sized system supplier shall measure the applicable water quality parameters specified in subsection (b)(3) below at the locations specified in this subsection during each six-month monitoring period specified in Section 611.356(d)(1) during which the supplier exceeds the lead action level or the copper action level.

3) Water quality parameters:

- A) pH;
- B) alkalinity;
- C) orthophosphate, when an inhibitor containing a phosphate compound is used;
- D) silica, when an inhibitor containing a silicate compound is used;
- E) calcium;
- F) conductivity; and
- G) water temperature.

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- c) Monitoring after installation of corrosion control.
- 1) Large systems. Each large system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(d)(4) shall measure the water quality parameters at the locations and frequencies specified in subsections (c)(3) and (c)(4) below during each six-month monitoring period specified in Section 611.356(d)(2)(i).
 - 2) Small and medium-sized systems. Each small or medium-sized system that installs optimal corrosion control treatment pursuant to Section 611.351(e)(5) shall measure the water quality parameters at the locations and frequencies specified in subsections (c)(3) and (c)(4) below during each six-month monitoring period specified in Section 611.356(d)(2)(ii) in which the supplier exceeds the lead action level or the copper action level.
 - 3) Tap water samples, two samples at each tap for each of the following watered quality parameters:
 - A) pH;
 - B) alkalinity;
 - C) orthophosphate, when an inhibitor containing a phosphate compound is used;
 - D) silica, when an inhibitor containing a silicate compound is used; and
 - E) calcium, when calcium carbonate stabilization is used as part of corrosion control.
 - 4) Entry point samples, one sample at each entry point to the distribution system every two weeks (bi-weekly) for each of the following water quality parameters:
 - A) pH;
 - B) when alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and
 - C) when a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).
 - d) Monitoring after the Agency specifies water quality parameter values for optimal corrosion control.
 - 1) Large systems. After the Agency has specified the values for applicable water quality control parameters reflecting optimal corrosion control treatment pursuant to Section 611.352(f), each large system supplier shall measure the applicable water quality parameters in accordance with subsection (c) above during each six-month monitoring period specified in Section 611.356(d)(3).
 - 2) Small and medium-sized systems. Each small or medium-sized system supplier shall conduct such monitoring during each six-month monitoring period specified in Section 611.356(d)(3) in which the supplier exceeds the lead action level or the copper

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- action level.
- 3) Confirmation sampling.
 - A) A supplier may take a confirmation sample for any water quality parameter value no later than 3 days after it took the original sample it seeks to confirm.
 - B) If a supplier takes a confirmation sample, it must average the result obtained from the confirmation sample with the result obtained from the original sample it seeks to confirm, and the supplier shall use the average of these two results for any compliance determinations under Section 611.352(g).
 - C) The Agency shall delete the results that it determines are due to obvious sampling errors from this calculation.
 - e) Reduced monitoring.
 - 1) Reduction in tap monitoring. A supplier that has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under subsection (d) above shall continue monitoring at the entry point(s) to the distribution system as specified in subsection (c)(4) above. Such a supplier may collect two samples from each tap for applicable water quality parameters from the reduced number of sites indicated in the second column of Section 611.356(d)(2)(ii) during each subsequent six-month monitoring period.
 - 2) Reduction in monitoring frequency.
 - A) Stages of reductions.
 - i) Annual monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) above from every six months to annually.
 - ii) Triennial monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of annual monitoring under subsection (e)(2)(A)(i) above may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) above from annually to once every three years.
 - B) A supplier that conducts sampling annually or every three years shall collect these samples evenly throughout the calendar year so as to reflect seasonal variability.

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- 11) Standard-Methods:--Method-3120;
Inductively-coupled--Plasma:--mass--spectrometry:--ICP-MS
Method-200-8-07
- B) Atomic-absorption-platform-furnace-technique:--AA-Platform
Furnace-Method-200-9-
- F) Subsection-1b(1)(b)-above-applies-to-analyses-for-copper-
- 3) pH--Electrometric:
A) USBPA-Inorganic-Methods:--Method-150-1-07-150-27
B) ASTM-Methods:--Method-B1203-04B7-07
C) Standard-Methods:--Method-4500-H(+)7-
- 4) Conductivity--Conductance:
A) USBPA-Inorganic-Methods:--Method-120-17
B) ASTM-Methods:--Method-B1125-02B7-07
C) Standard-Methods:--Method-2510-
- 5) Calcium:
A) BSPA-titrimetric:
1) USBPA-Inorganic-Methods:--Method-215-27
2) ASTM-Methods:--Method-B511-08A7-07
3) Standard-Methods:--Method-3500-CA-B7
- B) Atomic-absorption-direct-aspiration:
1) USBPA-Inorganic-Methods:--Method-215-17
2) ASTM-Methods:--Method-B511-08B7-07
3) Standard-Methods:--Method-3111-B7-07
- C) Inductively-coupled-plasma:
1) ICP-Method-200-77-Rev-3-27-07
2) Standard-Methods:--Method-3120-
- 6) Alkalinity:
A) titrimetric:
1) USBPA-Inorganic-Methods:--Method-310-17
2) ASTM-Methods:--Method-B1067-08B7-07
3) Standard-Methods:--Method-2320-07
- B) Electrometric-titration:--USGS-Methods:--Method-1-1030-05-
- 7) Orthophosphate:
A) Unfiltered-no-digestion-or-hydrolysis:--USBPA-Inorganic
Methods:--Method-365-17
B) Colorimetric:--Automated:--ascorbic-acid:--Standard
Methods:--Method-4500-P-7
C) Colorimetric:--ascorbic-acid-two-reagent:
1) USBPA-Inorganic-Methods:--Method-365-37-07
2) Standard-Methods:--Method-4500-P-7
B) Colorimetric:--ascorbic-acid-single-reagent:
1) USBPA-Inorganic-Methods:--Method-365-27-07
2) ASTM-Methods:--Method-B515-08A7
C) Colorimetric-phosphomolybdate-automated-segmented-flow-or
automated--discrete:--USGS--Methods:--Method-1-1603-057
1-2601-057-or-1-2590-057
- B) Ion-Chromatography:
1) Ion-Chromatography-Method-300-07

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- 11) ASTM-Methods:--Method-B4327-087-07
3) Standard-Methods:--Method-4110-
- 9) Silica:
A) Colorimetric-molybdate-blue-automated-segmented-flow-USGS
Methods:--Methods-1-1700-05-07-1-3700-057
B) Colorimetric:
1) USBPA-Inorganic-Methods:--Method-370-17-07
2) ASTM-Methods:--Method-B059-087
C) Molybdenum-catechol-Standard-Methods:--Method-4500-Si-B7
B) Heteropoly-blue-Standard-Methods:--Method-4500-Si-E7
E) Automated-method-for-molybdate-reactive-silica-Standard
Methods:--Method-4500-Si-P-07
F) Inductively-coupled-plasma:
1) ICP-Method-200-77-Rev-3-27-07
2) Standard-Methods:--Method-3120-
- 9) Temperature--thermometric:--Standard-Methods:--Method-2550-
BOARD NOTE: Derived from 40 CFR 141.89 (1992, 1994), as amended
at 57 59 Fed. Reg. 31047--(July-17--1992) 62470 (December 5,
1994).
- (Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.360 Reporting

A supplier shall report all of the following information to the Agency in accordance with this Section.

- a) Reporting for tap, lead and copper, and water quality parameter monitoring.
- 1) A supplier shall report the following information for all samples within 10 days of the end of each applicable sampling period specified in Sections 611.356 through 611.358 (i.e., every six-months, annually, every 3 years, or every nine years).
- A) the results of all tap samples for lead and copper, including the location of each site and the criteria under Section 611.356(a)(3) through (7) under which the site was selected for the supplier's sampling pool;
- B) a certification that each first draw sample collected by the supplier was one-liter in volume and, to the best of the supplier's knowledge, had stood motionless in the service line, or in the interior plumbing of a sampling site, for at least six hours;
- C) where residents collected samples, a certification that each tap sample collected by the residents was taken after the supplier informed them of the proper sampling procedures specified in Section 611.356(b)(2);
- D) the 90th percentile lead and copper concentrations measured from among all lead and copper tap samples collected during

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each sampling period (calculated in accordance with Section 611.350(c)(3));

E) with the exception of initial tap sampling conducted pursuant to Section 611.356(d)(1), the supplier shall designate any site that was not sampled during previous sampling periods, and include an explanation of why sampling sites have changed;

F) the results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected pursuant to Section 611.357(b) through (e);

G) the results of all samples collected at entry point(s) for applicable water quality parameters pursuant to Section 611.357(b) through (e).

2) By the applicable date in Section 611.356(d)(1) for commencement of monitoring, each CWS supplier that does not complete its targeted sampling pool with CWS tier 1 sampling sites meeting the requirements of Section 611.356(a)(4)(A) shall send a letter to the Agency justifying its selection of CWS tier 2 sampling sites or CWS tier 3 sampling sites pursuant to Section 611.356(a)(4)(ii), (a)(4)(A)(iii), or (a)(4)(A)(iv).

3) By the applicable date in Section 611.356(d)(1) for commencement of monitoring, each NNNCWS supplier that does not complete its sampling pool with NNNCWS tier 1 sampling sites meeting the requirements of Section 611.356(a)(4)(B) shall send a letter to the Agency justifying its selection of alternative NNNCWS sampling sites pursuant to that Section.

4) By the applicable date in Section 611.356(d)(1) for commencement of monitoring, each supplier with lead service lines that is not able to locate the number of sites served by such lines required by Section 611.356(a)(4)(D) shall send a letter to the Agency demonstrating why it was unable to locate a sufficient number of such sites based upon the information listed in Section 611.356(a)(2).

5) Each supplier that requests that the Agency grant a SEP that reduces the number and frequency of sampling shall provide the information required by Section 611.356(d)(4).

b)

1) A supplier shall report the sampling results for all source water samples collected in accordance with Section 611.358 within 10 days of the end of each source water sampling period (i.e., annually, per compliance period, per compliance cycle) specified in Section 611.358.

2) With the exception of the first round of source water sampling conducted pursuant to Section 611.358(b), a supplier shall specify any site that was not sampled during previous sampling periods, and include an explanation of why the sampling point has changed.

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c) Reporting for corrosion control treatment.

By the applicable dates under Section 611.351, a supplier shall report the following information:

1) for a supplier demonstrating that it has already optimized corrosion control, the information required by Section 611.352(b)(2) or (b)(3).

2) for a supplier required to optimize corrosion control, its recommendation regarding optimal corrosion control treatment pursuant to Section 611.352(a).

3) for a supplier required to evaluate the effectiveness of corrosion control treatments pursuant to Section 611.352(c), the information required by Section 611.352(c).

4) for a supplier required to install optimal corrosion control approved by the Agency pursuant to Section 611.352(d), a copy of the Agency permit letter, which acts as certification that the supplier has completed installing the permitted treatment.

d) Reporting for source water treatment. On or before the applicable dates in Section 611.353, a supplier shall provide the following information to the Agency:

1) if required by Section 611.353(b)(1), its recommendation regarding source water treatment; or

2) for suppliers required to install source water treatment pursuant to Section 611.353(b)(2), a copy of the Agency permit letter, which acts as certification that the supplier has completed installing the treatment approved by the Agency within 24 months after the Agency approved the treatment.

e) Reporting for lead service line replacement. A supplier shall report the following information to the Agency to demonstrate compliance with the requirements of Section 611.354:

1) Within 12 months after a supplier exceeds the lead action level in sampling referred to in Section 611.354(a), the supplier shall report each of the following to the Agency in writing: report each of the following to the Agency in writing:

A) a demonstration it has conducted a materials evaluation, including the evaluation required by Section 611.356(a), its distribution system, and

B) identify the initial number of lead service lines in its distribution system, and

C) provide the Agency with the supplier's schedule for annually replacing at least 7 percent of the initial number of lead service lines in its distribution system.

2) Within 12 months after a supplier exceeds the lead action level in sampling referred to in Section 611.354(a), and every 12 months thereafter, the supplier shall demonstrate to the Agency in writing that the supplier has either:

A) replaced in the previous 12 months at least 7 percent of the initial number of lead service lines in its distribution system (or any greater number of lines specified by the Agency pursuant to Section 611.354(f)), or

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- B) conducted sampling that demonstrates that the lead concentration in all service line samples from an individual line(s), taken pursuant to Section 611.356(b)(3), is less than or equal to 0.015 mg/L.
- C) Where the supplier makes a demonstration under subsection (e)(2)(B) above, the total number of lines that the supplier has replaced, combined with the total number that meet the criteria of Section 611.354(b), shall equal at least 7 percent of the initial number of lead lines identified pursuant to subsection (a) above (or the percentage specified by the Agency pursuant to Section 611.354(f)).
- 3) The annual letter submitted to the Agency pursuant to subsection (e)(2) above shall contain the following information:
- A) the number of lead service lines originally scheduled to be replaced during the previous year of the supplier's replacement schedule;
- B) the number and location of each lead service line actually replaced during the previous year of the supplier's replacement schedule; and
- C) if measured, the water lead concentration from each lead service line sampled pursuant to Section 611.356(b)(3) and the location of each lead service line sampled, the sampling method used, and the date of sampling.
- 4) As soon as practicable, but no later than three months after a supplier exceeds the lead action level in the sampling referred to in Section 611.354(a), any supplier seeking to rebut the presumption that it has control over the entire lead service line pursuant to Section 611.354(d) shall submit a letter to the Agency describing the following:
- A) the legal authority (e.g., state statutes, municipal ordinances, public service contracts or other applicable legal authority) that limits the supplier's control over the service lines; and
- B) the extent of the supplier's control over the service lines.
- BOARD NOTE: This communication is vital to a supplier seeking to replace less than entire service lines. Under Section 611.354(e)(1), a supplier is presumed to control the entire service line unless it makes an affirmative showing. Under Section 611.354(d)(2)(A), a supplier is affirmatively required to replace all of each service line except as to any particular service line for which the Agency has made an affirmative determination that the supplier does not control in its entirety. Under Sections 611.354(b)(1) and seven percent of the lead service lines within a year of the day of the event that triggered the requirement. Section 39(a) of the Act allows the Agency 90 days to render its decision on any permit request. Therefore, any supplier that desires an Agency determination pursuant to Section 611.354(e)(2)

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- must submit the required information within the three month time-frame of this subsection.
- f) Reporting for public education program.
- 1) By December 31st of each calendar year, any supplier that is subject to the public education requirements of Section 611.355 shall submit a letter to the Agency demonstrating materials which meet the following requirements:
- A) the content requirements of Section 611.355(a) and (b), and
- B) the delivery requirements of Section 611.355(c).
- 2) The information submitted pursuant to this subsection shall include a list of all the newspapers, radio stations, television stations, facilities and organizations to which the supplier delivered public education materials during the previous year.
- 3) The supplier shall submit the letter required by this subsection annually for as long as it continues to exceed the lead action level.
- g) Reporting of additional monitoring data. Any supplier that collects sampling data in addition to that required by this Subpart shall report the results of that sampling to the Agency ~~on or before~~ within the first ten days following the end of the applicable sampling period(s) specified by Sections 611.356 through 611.358 during which the samples are collected.
- BOARD NOTE: Derived from 40 CFR 141.90 (~~1992~~ 1994).
- (Source: Amended at 19 Ill. Reg. _____, effective _____)
- SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS
- Section 611.480 Alternative Analytical Techniques**
- The Agency may approve, by special exception permit, an alternate analytical technique. The Agency shall not approve an alternate analytical technique without the concurrence of SEPA U.S. EPA. The Agency shall approve an alternate technique if it is substantially equivalent to the prescribed test in both precision and accuracy as it relates to the determination of compliance with any MCL. The use of the alternate analytical technique must not decrease the frequency of monitoring required by this Part.
- Board Note: Derived from 40 CFR 141.27 (~~1989~~ 1994).
- (Source: Amended at 19 Ill. Reg. _____, effective _____)
- Section 611.490 Certified Laboratories**
- a) For the purpose of determining compliance with Subparts L through Q, samples will be considered only if they have been analyzed:
- 1) By a laboratory certified pursuant to Section 4(o) of the Act;

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or,

- 2) By a laboratory certified by USEPA U.S. EPA; or,
 3) Measurements for turbidity, free chlorine residual, temperature and pH may be performed under the supervision of a certified operator (35 Ill. Adm. Code 603.103).
 b) Nothing in this Part shall be construed to preclude the Agency or any duly designated representative of the Agency from taking samples or from using the results from such samples to determine compliance by a supplier of water with the applicable requirements of this Part.

BOARD NOTE: Derived from 40 CFR 141.28 (19891994).

- c) The CWS supplier shall have required analyses performed either at an agency laboratory or a certified laboratory. The Agency may require that some or all of the required samples be submitted to its laboratories.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 19 Ill. Reg. _____, effective _____,)

Section 611.500 Consecutive PWSs

When a PWS supplies water to one or more other PWSs, the Agency shall modify the monitoring requirements imposed by this Part to the extent that the interconnection of the PWSs justifies treating them as a single PWS for monitoring purposes. Any modified monitoring must be conducted pursuant to a schedule specified by special exception permit. The Agency shall not approve such modified monitoring without the concurrence of USEPA U.S. EPA.

BOARD NOTE: Derived from 40 CFR 141.29 (19891994).

(Source: Amended at 19 Ill. Reg. _____, effective _____,)

Section 611.510 Special Monitoring for Unregulated Contaminants

- a) Monitoring for Phase I unregulated contaminants.

1) All CWS and WTN/CWS suppliers shall begin monitoring for the contaminants listed in subsection (a)(5) no later than the following dates:

- A) Less than 3300 persons served: January 1, 1991.
 B) 3300 to 10,000 persons served: January 1, 1989.
 C) More than 10,000 persons served: January 1, 1988.
 2) SWS and mixed system suppliers shall sample at points in the distribution system representative of each water source or at entry points to the distribution system after any application of treatment. The minimum number of samples is one year of quarterly samples per water source.
 3) GWS suppliers shall sample at points of entry to the distribution system representative of each well after any application of

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treatment. The minimum number of samples is one sample per entry point to the distribution system.

- 4) The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.

- 5) List of Phase I unregulated chemical contaminants:

Bromobenzene
 Bromodichloromethane
 Bromoform
 Bromomethane
 Chlorobenzene
 Chlorodibromomethane
 Chloroethane
 Chloroform
 Chloromethane
 o-Chlorotoluene
 p-Chlorotoluene
 Dibromomethane
 m-Dichlorobenzene
 1,1-Dichloroethane
 1,3-Dichloropropane
 2,2-Dichloropropane
 1,1-Dichloropropene
 1,3-Dichloropropene
 1,1,1,2-Tetrachloroethane
 1,1,2,2-Tetrachloroethane
 1,2,3-Trichloropropane

- 6) This subsection corresponds with 40 CFR 141.40(f), reserved by USEPA U.S. EPA. This statement maintains structural consistency with USEPA U.S. EPA rules.

- 7) Analyses performed pursuant to subsection (a) shall be conducted using the following USEPA U.S. EPA Organic Methods: Methods 502-17-503-17-524-17 502.2 or 524.27-~~52-52-2~~ or their equivalent as approved by the Agency, except that analyses for bromodichloromethane, bromoform, chlorodibromomethane, and chloroform may also be performed using U.S. EPA Organic Methods: Method 551, and analyses for 1,2,3-trichloropropane may also be performed using U.S. EPA Organic Methods: Method 504.1, all of which are incorporated by reference in Section 611.102.

BOARD NOTE: Subsection (b) derived from 40 CFR 141.40(a) through (m) (19921994), as amended at 57 59 Fed. Reg. 31845-45-177 19927 62469 (Dec. 5, 1994). The Board has adopted no counterpart to 40-CFR 40 CFR 141.40(h), which the Board has codified at subsection (c) below; 141.40(i), which pertains to the ability of suppliers to grandfather data up until a date long since expired; 141.41(f), an optional USEPA provision relating to monitoring 15 additional contaminants that USEPA U.S. EPA does not require for

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state programs; 141.40(k), which pertains to notice to the Agency by smaller suppliers up until a date long since expired in lieu of sampling; 141.40(l), which the Board has adopted at subsection (d) below; and 141.40(m), an optional provision that pertains to composite sampling. Otherwise, the structure of this Section directly corresponds with 40 CFR 141.40(a) through (m) (19921994).

b) Monitoring for Phase V unregulated contaminants. Monitoring of the unregulated inorganic contaminants listed in subsection (b)(11) below and the unregulated inorganic contaminants listed in subsection (b)(12) below shall be conducted as follows:

- 1) Each CWS and NTCWS supplier shall take four consecutive quarterly samples at each sampling point for each contaminant listed in subsection (b)(11) below and report the results to the Agency. Monitoring must be completed by December 31, 1995.
- 2) Each CWS and NTCWS supplier shall take one sample at each sampling point for each contaminant listed in subsection (b)(12) below and report the results to the Agency. Monitoring must be completed by December 31, 1995.
- 3) Each CWS and NTCWS supplier may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from any of the requirements of subsections (b)(1) and (b)(2) above.
- 4) The Agency shall grant a SEP pursuant to Section 611.110 as follows:

- A) From any requirement of subsection (b)(1) above based on consideration of the factors set forth at Section 611.110(e), and
- B) From any requirement of subsection (b)(2) above if previous analytical results indicate contamination would not occur, provided this data was collected after January 1, 1990.

- 5) A CWS supplier shall take a minimum of one sample at every entry point to the distribution system that is representative of each well after treatment ("sampling point").
- 6) A SWS or mixed system supplier shall take a minimum of one sample at points in the distribution system that are representative of each source or at each entry point to the system after treatment ("sampling point").
- 7) If the system draws water from more than one source and sources are combined before distribution, the supplier shall sample at an entry point during periods of normal operating conditions (when water representative of all sources is being used).
- 8) The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.
- 9) Suppliers shall take samples at the same sampling point unless the Agency has granted a SEP allowing another sampling point because conditions make another sampling point more representative of the water from each source or treatment plant.

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BOARD NOTE: Subsection (b)(9) above corresponds with duplicate segments of 40 CFR 141.40(n)(5) and (n)(6) (19921994), which correspond with subsections (b)(5) and (b)(6) above. The Board has adopted no counterpart to 40 CFR 141.40(n)(9), an optional provision that pertains to composite sampling. Otherwise, the structure of this Section directly corresponds with 40 CFR 141.40(n) (19921994).

- 10) Instead of performing the monitoring required by this subsection, a CWS and NTCWS supplier serving fewer than 150 service connections may send a letter to the Agency stating that the PWS is available for sampling. This letter must be sent to the Agency by January 1, 1994. The supplier shall not send such samples to the Agency, unless requested to do so by the Agency.
- 11) List of Phase V unregulated organic contaminants with methods required for analysis (all methods are from U.S. EPA Organic Methods unless otherwise noted; all are incorporated by reference in Section 611.102):

Contaminant

USEPA U.S. EPA Organic Methods

Aldicarb

531.1, Standard Methods:
Method 6610

Aldicarb sulfone

531.1, Standard Methods:
Method 6610

Aldicarb sulfoxide

531.1, Standard Methods:
Method 6610

Aldrin

505, 508, 508.1, 525.2

Butachlor

507, 525.2

Carbaryl

531.1, Standard Methods:
Method 6610

Dicamba

515.1, 515.2, 555

Dieldrin

505, 508, 525

3-Hydroxycarbofuran

531.1, Standard Methods:
Method 6610

Methomyl

531.1, Standard Methods:
Method 6610

Metolachlor

507, 508.1, 525.2

Metribuzin

507, 508.1, 525.2

Propachlor

507, 508.1, 525.2

- 12) List of unregulated inorganic contaminants (all methods indicated are incorporated by reference in Section 611.102):

Contaminant

USEPA-----inorganic
Methods

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Sulfate

Colorimetric	U.S.
EPA Environmental	
Inorganic Methods:	
Methods	300.0.
375.2:	ASTM D
4327-91:	Standard
Methods:	Methods
4110, 4500-SO[4] F,	
4500-SO[4] C & D	

BOARD NOTE: Subsection (b) derived from 40 CFR 141.40(n) (~~1992~~1994), as amended at ~~57~~ 59 Fed. Reg. ~~31846-177-1992~~ 62471 (Dec. 5, 1994).

c) Analyses performed pursuant to this Section must be conducted by a laboratory **approved** pursuant to Section 611.646(g).

BOARD NOTE: Subsection (c) derived from 40 CFR 141.40(h) (1994) ~~1992~~ ~~as amended at 57 Fed. Reg. 31846-177-1992~~.

d) All CWS and MTCWS suppliers shall repeat the monitoring required by this Section no less frequently than every five years, starting from the dates specified in subsections (a)(1) and (b)(2) above.

BOARD NOTE: Subsection (d) derived from 40 CFR 141.40 (1) (~~1992~~1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.522 Repeat Coliform Monitoring

a) If a routine sample is total coliform-positive, the supplier shall collect a set of repeat samples within 24 hours of being notified of the positive result. A supplier that collects more than one routine sample per month shall collect no fewer than three repeat samples for each total coliform-positive sample found. A supplier that collects one routine sample per month or fewer shall collect no fewer than four repeat samples for each total coliform-positive sample found. The Agency shall extend the 24-hour limit on a case-by-case basis if it determines that the supplier has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control. In the case of an extension, the Agency shall specify how much time the supplier has to collect the repeat samples.

b) The supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken, and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five service connections downstream of the original sampling site. If a total coliform-positive sample is at the end of the distribution system, or one away from the end of the distribution system, the

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Agency may waive the requirement to collect at least one repeat sample upstream or downstream of the original sampling site.

c) The supplier shall collect all repeat samples on the same day, except that the Agency shall allow a supplier with a single service connection to collect the required set of repeat samples over a four-day period or to collect a larger volume repeat sample(s) in one or more sample containers of any size, as long as the total volume collected is at least 400 ml (300 ml for PWSs that collect more than one routine sample per month).

d) If one or more repeat samples in the set is total coliform-positive, the supplier shall collect an additional set of repeat samples in the manner specified in subsections (a) through (c). The additional samples must be collected within 24 hours of being notified of the positive result, unless the Agency extends the limit as provided in subsection (a). The supplier shall repeat this process until either total coliforms are not detected in one complete set of repeat samples or the supplier determines that the MCL for total coliforms in Section 611.325 has been exceeded and notifies the Agency.

e) If a supplier collecting fewer than five routine samples/month has one or more total coliform-positive samples and the Agency does not invalidate the sample(s) under Section 611.523, the supplier shall collect at least five routine samples during the next month the supplier provides water to the public, unless the Agency determines that the conditions of subsection (e)(1) or (2) are met. This does not apply to the requirement to collect repeat samples in subsections (a) through (d). The supplier does not have to collect the samples if:

1) The Agency performs a site visit before the end of the next month the supplier provides water to the public. Although a sanitary survey need not be performed, the site visit must be sufficiently detailed to allow the Agency to determine whether additional monitoring or any corrective action is needed.

2) The Agency has determined why the sample was total coliform-positive and establishes that the supplier has corrected the problem or will correct the problem before the end of the next month the supplier serves water to the public.

A) The Agency shall document this decision in writing, and make the document available to **USEPA** U.S. EPA and the public. The written documentation must describe the specific cause of the total coliform-positive sample and what action the supplier has taken or will take to correct the problem.

B) The Agency cannot waive the requirement to collect five routine samples the next month the supplier provides water to the public solely on the grounds that all repeat samples are total coliform-negative.

C) Under this subsection, a supplier shall still take at least one routine sample before the end of the next month it serves water to the public and use it to determine

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compliance with the MCL for total coliforms in Section 611.525, unless the Agency has determined that the supplier has corrected the contamination problem before the supplier took the set of repeat samples required in subsections (a) through (d), and all repeat samples were total coliform-negative.

f) After a supplier collects a routine sample and before it learns the results of the analysis of that sample, if it collects another routine sample(s) from within five adjacent service connections of the initial sample, and the initial sample, after analysis, is found to contain total coliforms, then the supplier may count the subsequent sample(s) as a repeat sample instead of as a routine sample.

g) Results of all routine and repeat samples not invalidated pursuant to Section 611.523 must be included in determining compliance with the MCL for total coliforms in Section 611.325.

BOARD NOTE: Derived from 40 CFR 141.21(b) (1991994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.523 Invalidation of Total Coliform Samples

A total coliform-positive sample invalidated under this Section does not count towards meeting the minimum monitoring requirements.

a) The Agency shall invalidate a total coliform-positive sample only if the conditions of subsection (a)(1), (a)(2), or (a)(3) are met.

1) The laboratory establishes that improper sample analysis caused the total coliform-positive result.

2) The Agency, on the basis of the results of repeat samples collected as required by Section 611.522(a) through (d) determines that the total coliform-positive sample resulted from a domestic or other non-distribution system plumbing problem.

The Agency cannot invalidate a sample on the basis of repeat sample results unless all repeat sample(s) collected at the same tap as the original total coliform-positive sample are also total coliform-positive, and all repeat samples collected within five service connections of the original tap are total coliform-negative (e.g., Agency cannot invalidate a total coliform-positive sample on the basis of repeat samples if all the repeat samples are total coliform-negative, or if the PWS has only one service connection).

3) The Agency determines that there are substantial grounds to believe that a total coliform-positive result is due to a circumstance or condition which does not reflect water quality in the distribution system. In this case, the supplier shall still collect all repeat samples required under Section 611.522(a) through (d) and use them to determine compliance with the MCL for total coliforms in Section 611.325. To invalidate a total

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coliform-positive sample under this subsection, the decision with the rationale for the decision must be documented in writing. The Agency shall make this document available to ~~USEPA U.S.~~ EPA and the public. The written documentation must state the specific cause of the total coliform-positive sample, and what action the supplier has taken, or will take, to correct this problem. The Agency shall not invalidate a total coliform-positive sample solely on the grounds that all repeat samples are total coliform-negative.

b) A laboratory shall invalidate a total coliform sample (unless total coliforms are detected) if the sample produces a turbid culture in the absence of gas production using an analytical method where gas formation is examined (e.g., the Multiple-Tube Fermentation Technique), produces a turbid culture in the absence of an acid reaction in the P-A Coliform Test, or exhibits confluent growth or produces colonies too numerous to count with an analytical method using a membrane filter (e.g., Membrane Filter Technique). If a laboratory invalidates a sample because of such interference, the supplier shall collect another sample from the same location as the original sample within 24 hours of being notified of the interference problem, and have it analyzed for the presence of total coliforms. The supplier shall continue to re-sample within 24 hours and have the samples analyzed until it obtains a valid result. The Agency shall waive the 24-hour time limit on a case-by-case basis, if it is not possible to collect the sample within that time.

BOARD NOTE: Derived from 40 CFR 141.21(c) (19911994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.526 Analytical Methodology

a) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 mL.

b) Suppliers need only determine the presence or absence of total coliforms, a determination of total coliform density is not required.

c) Suppliers shall conduct total coliform analyses in accordance with one of the following analytical methods, incorporated by reference in Section 611.102 (the time from sample collection to initiation of analysis may not exceed 30 hours):

1) Multiple-Tube Fermentation (MTF) Technique, as set forth in Standard Methods: Methods 9221 A and B:

A) ~~Standard Methods--Method-9097-9098A--and-9098B--except-that--to ferment--tubes--must--be--used,--or~~ Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates

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that the false-positive rate for total coliforms, using lactose broth, is less than 10 percent:

- B) Microbiological Methods:--Part III--Section-B-4-i-4-6-4-7-pp-114-117--(Most-Probable-Number-Method)7--except--that--if--fermentation-tubes--must--be--used--or--if--inverted--tubes--are--used--to--detect--gas--production,--the--media--should--cover--these--tubes--at--least--one-half--to--two-thirds--after--the--sample--is--added;--and
- C) No requirement exists to run the completed phase on 10 Percent of all total coliform-positive confirmed tubes;

- 2) Membrane Filter (MF) Technique, as set forth in Standard Methods: Methods 9222 A, B, and C.7

- A) Standard Methods:--Method-9097-909A-and-909B7--or--100-1177--or
- B) Microbiological Methods:--Part III7-Section-B-7-i-2-67--pp-100-1177--or

- 3) P-A Coliform Test, as set forth in: Standard Methods: Method 908B7-or 9221 D:

- A) No requirement exists to run the completed phase on 10 Percent of all total coliform-positive confirmed tubes; and
- B) Six-times formulation strength may be used if the medium is filter-sterilized rather than autoclaved;

- 4) MUG-MUG-test:--The-MUG-MUG-test-with--pepes--buffer--in--lieu--of--phosphate--buffer--is--an--acceptable--minor--revision7-ONPG-MUG test: Standard Methods: Method 9223. (The ONPG-MUG test is also known as the autoanalysis colilert system.)

- 5) Colisure test from Millipore Corporation. (The colisure test must be incubated for 28 hours before examining results. If an examination of the results at 28 hours is not convenient, then results may be examined at any time between 28 hours and 48 hours.)

- d) In-lieu-of-the-10-tube-MFP-Technique-specified-in-subsection-10-i-7-a supplier may use the MFP Technique using either five tubes--(20-ml sample--portions--or--a--single--culture--bottle--containing--the--culture medium--for--the-MFP-Technique)7--or--any--other--method--which--is--equivalent--as--described--in--Standard--Methods7-Method--908B7--incorporated--by--reference--in--Section-11-i-27--as--long--as--a--10-ml--water--sample--is--used--in--the--analysis7 This subsection corresponds with 40 CFR 141.21(f)(4), which U.S. EPA has marked "reserved". This statement maintains structural consistency with the federal regulations.

- e) Suppliers shall conduct fecal coliform analysis in accordance with the following procedure:

- 1) When the MF Technique or P-A Coliform Test is used to test for total coliforms, shake the lactose-positive presumptive tube or P-A vigorously and transfer the growth with a sterile 3-mm loop or sterile applicator stick into brilliant green lactose bile broth and EC medium, defined below, to determine the presence of total and fecal coliforms, respectively.

- 2) For Microbiological Methods approved methods7-referenced-above7

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that use a membrane filter, transfer the total coliform-positive culture by one of the following methods: remove the membrane containing the total coliform colonies from the substrate with a sterile forceps and carefully curl and insert the membrane into a tube of EC medium. (The laboratory may first remove a small portion of selected colonies for verification); swab the entire membrane filter surface with a sterile cotton swab and transfer the inoculum to EC medium (do not leave the cotton swab in the EC medium); or inoculate individual total coliform-positive colonies into EC medium. Gently shake the inoculated tubes of EC medium to insure adequate mixing and incubate in a waterbath at 44.5 \pm 0.2° C for 24 \pm 2 hours. Gas production of any amount in the inner fermentation tube of the EC medium indicates a positive fecal coliform test.

- 3) the preparation of EC medium is described in Standard Methods: Method 908B9221E.

- 4) Suppliers need only determine the presence or absence of fecal coliforms, a determination of fecal coliform density is not required.

- f) Suppliers shall conduct analysis of E. coli in accordance with one of the following analytical methods:

- 1) EC medium supplemented with 50 ug/L of MUG (final concentration). EC medium is as described in subsection (e). MUG may be added to EC medium before autoclaving. EC medium supplemented with 50 ug/L MUG is commercially available. At least 10 mL of EC medium supplemented with MUG must be used. The inner inverted fermentation tube may be omitted. The procedure for transferring a total coliform-positive culture to EC medium supplemented with MUG is as in subsection (e) for transferring a total coliform-positive culture to EC medium. Observe fluorescence with an ultraviolet light (366 nm) in the dark after incubating tube at 44.5 \pm 2° C for 24 \pm 2 hours; or

- 2) Nutrient agar supplemented with 100 ug L MUG (final concentration). Nutrient Agar is described in Standard Methods: Method 908B pages 9-47 to 9-48. This test is used to determine if a total coliform-positive sample, as determined by the MF technique or any other method in which a membrane filter is used, contains E. coli. Transfer the membrane filter containing a total coliform colony or colonies to nutrient agar supplemented with 100 ug/L MUG (final concentration). After incubating the agar plate at 35° Celsius for 4 hours, observe the colony or colonies under ultraviolet light (366 nm) in the dark for fluorescence. If fluorescence is visible, E. coli are present.

- 3) Minimal Medium ONPG-MUG (MMO-MUG) Test, as set forth in Section 611-Appendix D. (The Autoanalysis Colilert System is a MMO-MUG test.) If the MMO-MUG test is total coliform positive after a 24-hour incubation, test the medium for fluorescence with a

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365-nm ultraviolet light (preferably with a 6-watt lamp) in the dark. If fluorescence is observed, the sample is E. coli-positive. If fluorescence is questionable (cannot be definitively read) after 24 hours incubation, incubate the culture for an additional four hours (but not to exceed 28 hours total), and again test the medium for fluorescence. The MMO-MUG test with hepes buffer is the only approved formulation for the detection of E. coli.

- 4) The Colisure Test, from Millipore Corporation, incorporated by reference in Section 611.102.

- g) As an option to the method set forth in subsection (f)(3), a supplier with a total coliform-positive, MUG-negative, MMO-MUG test may further analyze the culture for the presence of E. coli by transferring a 0.1 mL, 28-hour MMO-MUG culture to EC medium + MUG with a pipet. The formulation and incubation conditions of the EC medium + MUG, and observation of the results are described in subsection (f)(1).

- h) This subsection corresponds with 40 CFR 141.21(f)(8), a central listing of all documents incorporated by reference into the federal microbiological analytical methods. The corresponding Illinois incorporations by reference are located at Section 611.102. This statement maintains structural parity with U.S. EPA regulations.

BOARD NOTE: Derived from 40 CFR 141.21(f) (1991:1994), as amended at 56 59 Fed. Reg. 6427-June-07-1991-57-Ped.-Reg.-1952--January--157 1992--and-57-Ped.-Reg.-24747-June-10-1992 62466 (Dec. 5, 1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.531 Analytical Requirements

Only the analytical method(s) specified in this Section may be used to demonstrate compliance with the requirements of Subpart B. Measurements for pH, temperature, turbidity and RDCs must be conducted under the supervision of a certified operator. Measurements for total coliforms, fecal coliforms and HPC must be conducted by a laboratory certified by the Agency to do such analysis. The following procedures must be performed by the following methods, incorporated by reference in Section 611.102:

- a) ~~Fecal coliform concentration:--Standard Methods, 16th Edition, Methods 9080-9080B or 9090-A~~ supplier shall:

- 1) Conduct analysis of pH in accordance with one of the methods listed at Section 611.611; and
- 2) Conduct analyses to total coliforms, fecal coliforms, heterotrophic bacteria, turbidity, and temperature in accordance with one of the following methods, and by using analytical test procedures contained in "Technical Notes on Drinking Water", available from NTIS, incorporated by reference in Section 611.102:

- A) Total coliform fermentation technique: Standard Methods

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(18th ed.): Method 9221 A, B, and C.

- i) Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates that the false-positive rate for total coliforms, using lactose broth, is less than 10 percent;

- ii) If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added; and

- iii) No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.

- B) Total coliform membrane filter technique: Standard Methods (18th ed.): Method 9222 A, B, and C.

- C) ONPG-MUG test (also known as the autoanalysis colilert system): Standard Methods (18th ed.): Method 9223.

- D) Fecal coliform MPN procedure: Standard Methods (18th ed.): Method 9221 E (A-1 broth may be held up to three months in a tightly closed screwcap tube at 4° C (39° F)).

- E) Heterotrophic bacteria (the time from sample collection to initiation of analysis must not exceed 8 hours):

- i) U.S. EPA Environmental Inorganic Methods: Method 180.1
- ii) GDI Method 2.

- F) Temperature: Standard Methods (18th ed.): Method 2550.

- b) ~~Total coliform concentration:--Standard Methods, 16th Edition, Methods 9080A, 9080B, 9090A or 9090B~~ A supplier shall measure residual disinfectant concentrations with one of the following analytical methods from Standard Methods (18th ed.), and by using analytical test procedures contained in "Technical Notes on Drinking Water", available from NTIS, incorporated by reference in Section 611.102:

- 1) Free chlorine:

- A) Amperometric Titration: Method 4500-Cl D.
- B) DPD Ferrous Titrimetric: Method 4500-Cl F.
- C) DPD Colimetric: Method 4500-Cl G.
- D) Sringaldazine (FACTS): Method 4500-Cl H.

- 2) Total chlorine:

- A) Amperometric Titration: Method 4500-Cl E.
- B) DPD Ferrous Titrimetric: Method 4500-Cl F.
- C) DPD Colimetric: Method 4500-Cl G.
- D) Iodometric Electrode: Method 4500-Cl I.

- 3) Chlorine dioxide:

- A) Amperometric Titration: Method 4500-ClO(2) C or E.
- B) DPD Method: Method 4500-ClO(2) D.
- C) Ozone: Indigo Method: Method 4500-Of(3) B.

- 4) Alternative test methods: The Agency may grant a SEP pursuant to

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Section 611.110 that allows a supplier to use alternative chlorine test methods as follows:

- A) DPD colorimetric test kits: Residual disinfectant concentrations for free chlorine and combined chlorine may also be measured by using DPD colorimetric test kits.
- B) Continuous monitoring for free and total chlorine: Free and total chlorine residuals may be measured continuously by adapting a specified chlorine residual method for use with a continuous monitoring instrument, provided the chemistry, accuracy, and precision remain the same. Instruments used for continuous monitoring must be calibrated with a grab sample measurement at least every five days or as otherwise provided by the Agency.

BOARD NOTE: Suppliers may use a five-tube test or a ten-tube test.

- e) HPC:--Standard-Methods;--16th-Editon;--Method-907A;
- d) Turbidity:--Standard-Methods;--16th-Editon;--Method-214A-
- e) RBC:
- 1) Free--chlorine--and--combined--chlorine--(colorimetric)--must--be measured--by--Standard-Methods;--16th-Editon;--Methods--408C7--408B7-408B-OR-408P;
- 2) Ozone--must--be--measured--by--the--Indigo-Method;--or--automated--methods which--are--calibrated--in--reference--to--the--results--obtained--by--the Indigo-Method--on--a--regular-basis--is--approved--by--the-Agency;
- 3) Chlorine-dioxide--must--be--measured--by--Standard-Methods;--16th Editon;--Methods--410B-OR-410C;
- 4) Temperature:--Standard-Methods;--16th-Editon;--Method-212;
- g) PH:--Standard-Methods;--16th-Editon;--Method-423;
- BOARD NOTE: Derived from 40 CFR 141.74(a) (1991), as amended at 5459 Fed. Reg. 275267-June-29-1989 62470 (Dec. 5, 1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.560 Turbidity

The requirements in this Section apply to unfiltered PWSs until December 30, 1991, unless the Agency has determined prior to that date that filtration is required. The requirements in this Section apply to filtered PWSs until June 29, 1993. The requirements in this Section apply to unfiltered PWSs that the Agency has determined must install filtration, until June 29, 1993, or until filtration is installed, whichever is later.

- a) Suppliers shall take samples at representative entry point(s) to the distribution system at least once per day, for the purposes of making turbidity measurements to determine compliance with Section 611.320.

1) If Public Health determines that a reduced sampling frequency in a non-CWS will not pose a risk to public health, it may reduce

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the required sampling frequency. The option of reducing the turbidity frequency will be permitted only in those suppliers that practice disinfection and which maintain an active RDC in the distribution system, and in those cases where Public Health has indicated in writing that no unreasonable risk to health existed under the circumstances of this option.

- 2) The turbidity measurements must be made in accordance with the following methods, incorporated by reference in Section 611.102:
- A) By the Nephelometric Method:

- i) Standard Methods: Method 214A; or
- ii) USEPA U.S. EPA Inorganic Methods: Method 180.1.
- B) Calibration of the turbidimeter must be made either by the use of the formazin standard as specified in the cited references, or a styrene divinylbenzene polymer standard (Amco-APPA-1 Polymer).

- b) If the result of a turbidity analysis indicates that the maximum allowable limit has been exceeded, the sampling and measurement must be confirmed by resampling as soon as practicable and preferably within one hour. If the repeat sample confirms that the maximum allowable limit has been exceeded, the supplier of water shall report to the Agency within 48 hours. The repeat sample must be the sample used for the purpose of calculating the monthly average. If the monthly average of the daily samples exceeds the maximum allowable limit, or if the average of two samples taken on consecutive days exceeds 5 NTU, the supplier of water shall report to the Agency and notify the public as directed in Subpart T of this Part.

- c) Sampling for non-CWSs must begin by June 29, 1991.
- d) This Section applies only to suppliers that use water obtained in whole or in part from surface sources.

BOARD NOTE: Derived from 40 CFR 141.22 (1992/1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.600 Applicability

The following types of suppliers shall conduct monitoring to determine compliance with the old MCLs in Section 611.300 and the revised MCLs in 611.301, as appropriate, in accordance with this Subpart:

- a) CWS suppliers.
- b) NTNCWS suppliers.
- c) Transient non-CWS suppliers to determine compliance with the nitrate and nitrite MCLs.

BOARD NOTE: Derived from 40 CFR 141.23 (preamble) (1991/1994).

- d) Detection limits. The following are detection limits for purposes of this Subpart:

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Contaminant	MCL (mg/L, except asbestos)	Method	Detection Limit (mg/L)
Antimony	0.006	Atomic absorption-furnace technique	0.003
		Atomic absorption-furnace technique (stabilized temperature)	0.0008
		Inductively-coupled plasma-Mass spectrometry	0.0004
		Atomic absorption-gaseous hydride technique	0.001
Asbestos	7 MFL	Transmission electron microscopy	0.01 MFL
Barium	2	Atomic absorption-furnace technique	0.002
		Atomic Absorption-direct aspiration technique	0.1
		Inductively-coupled plasma arc furnace	0.002
		Inductively-coupled plasma fusing-concentration-technique in--appendix--200-7A--to--USBPA inorganic-Method-200-77	0.001
Beryllium	0.004	Atomic absorption-furnace technique	0.0002
		Atomic absorption-furnace technique (stabilized temperature)	0.00002
		Inductively-coupled plasma (using a 2x preconcentration step; a lower MDL is possible using 4x preconcentration)	0.0003
		Inductively-coupled plasma-Mass spectrometry	0.0003

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Cadmium	0.005	Atomic absorption-furnace technique	0.0001
		Inductively-coupled plasma fusing-concentration-technique in--appendix--200-7A--to--USBPA inorganic-Method-200-77	0.001
Chromium	0.1	Atomic absorption-furnace technique	0.001
		Inductively-coupled plasma	0.007
		Inductively-coupled plasma fusing-concentration-technique in--Appendix--A--to--USBPA inorganic-Method-200-77	0.001
Cyanide	0.2	Distillation, spectrophotometric (screening method for total cyanides)	0.02
		Automated distillation, spectrophotometric (screening method for total cyanides)	0.005
		Distillation, selective electrode (screening method for total cyanides)	0.05
		Distillation, amenable, spectrophotometric (for free cyanides)	0.02
Mercury	0.002	Manual cold vapor technique	0.0002
		Automated cold vapor technique	0.0002
Nickel	0.1	Atomic absorption-furnace technique	0.001
		Atomic absorption-furnace technique (stabilized temperature)	0.0006

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		Inductively-coupled plasma (using a 2x preconcentration step; a lower MDL is possible using 4x preconcentration)	0.005
		Inductively-coupled plasma-Mass spectrometry	0.0005
Nitrate (as N)	10	Manual cadmium reduction	0.01
		Automated hydrazine reduction	0.01
		Automated cadmium reduction	0.05
		Ion-selective electrode	1
		Ion chromatography	0.01
Nitrite (as N)	1	Spectrophotometric	0.01
		Automated cadmium reduction	0.05
		Manual cadmium reduction	0.01
		Ion chromatography	0.004
Selenium	0.05	Atomic technique	0.002
		absorption-furnace	0.002
		Atomic absorption-gaseous hydride technique	0.002
Thallium	0.002	Atomic technique	0.001
		absorption-furnace	0.001
		Atomic absorption-furnace (stabilized temperature)	0.0007
		Inductively-coupled plasma-Mass spectrometry	0.0003

BOARD NOTE: Derived from 40 CFR 141.23 preamble and paragraph (a)(4)(i) (19941334)7-25-amended-25-57-Ped.-Reg.-11838-39--1177-19927.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.601 Monitoring Frequency

Monitoring shall be conducted as follows:

a) Required sampling.

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- 1) Each supplier shall take a minimum of one sample at each sampling point at the times required by Section 611.610 beginning in the initial compliance period.
- 2) Each sampling point must produce samples that are representative of the water from each source after treatment or from each treatment plant, as required by subsection (b) below. The total number of sampling points must be representative of the water delivered to users throughout the PWS.
- 3) The supplier shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant and the Agency has granted a SEP pursuant to subsection (b)(5) below.
- b) Sampling points.
 - 1) Sampling point for GWSs. Unless otherwise provided by SEP, a GWS supplier shall take at least one sample from each of the following points: each entry point that is representative of each well after treatment.
 - 2) Sampling points for SWSs and mixed systems. Unless otherwise provided by SEP, a SWS or mixed system supplier shall take at least one sample from each of the following points:
 - A) Each entry point after the application of treatment; or
 - B) A point in the distribution system that is representative of each source after treatment.
 - 3) If a system draws water from more than one source, and the sources are combined before distribution, the supplier shall sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.
 - 4) Additional sampling points. The Agency shall, by SEP, designate additional sampling points in the distribution system or at the consumer's tap if it determines that such samples are necessary to more accurately determine consumer exposure.
 - 5) Alternative sampling points. The Agency shall, by SEP, approve alternate sampling points if the supplier demonstrates that the points are more representative than the generally required points. This subsection corresponds with 40 CFR 141.23(a)(4), an optional USEPA U.S. EPA provision relating to compositing of samples that USEPA U.S. EPA does not require for state programs. This statement maintains structural consistency with USEPA U.S. EPA rules.
- d) The frequency of monitoring for the following contaminants must be in accordance with the following Sections:
 - 1) Asbestos: Section 611.602;
 - 2) Antimony, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and thallium: Section 611.603;
 - 3) Nitrate: Section 611.604; and
 - 4) Nitrite: Section 611.605.

BOARD NOTE: Derived from 40 CFR 141.23(a) and (c) (19941334) and

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40 CFR 141.23(c)(7) as amended at 57--Reg.--31839--(July--17-1992).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.603 Inorganic Monitoring Frequency

The frequency of monitoring conducted to determine compliance with the revised MCLs in Section 611.301 for antimony, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and thallium is as follows:

a) Supplier shall take samples at each sampling point, beginning in the initial compliance period, as follows:

- 1) For GWSs: at least one sample every-three-years during each compliance period;
- 2) For SWSs and mixed systems: at least one sample each year.

BOARD NOTE: Derived from 40 CFR 141.23(c)(1) (19931994).

b) SEP Application.

- 1) The supplier may apply to the Agency for a SEP that allows reduction from the monitoring frequencies specified in subsection (a) above pursuant to subsections (d) through (f) below and Section 611.110.
- 2) The supplier may apply to the Agency for a SEP that relieves it of the requirement for monitoring cyanide pursuant to subsections (d) through (f) below and Section 611.110.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(2) and (c)(6) (19931994).

c) SEP Procedures. The Agency shall review the request pursuant to the SEP procedures of Section 611.110 based on consideration of the factors in subsection (e) below.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(6) (19931994).

d) Standard for SEP reduction in monitoring. The Agency shall grant a SEP that allows a reduction in the monitoring frequency if the supplier demonstrates that all previous analytical results were less than the MCL, provided the supplier meets the following minimum data requirements:

- 1) For GWS suppliers: A minimum of three rounds of monitoring.
- 2) For SWS and mixed system suppliers: annual monitoring for at least three years.
- 3) At least one sample must have been taken since January 1, 1990.
- 4) A supplier that uses a new water source is not eligible for a SEP until it completes three rounds of monitoring from the new source.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(4) (19931994).

e) Standard for SEP monitoring conditions. As a condition of any SEP, the Agency shall require that the supplier take a minimum of one sample during the term of the SEP. In determining the appropriate reduced monitoring frequency, the Agency shall consider:

- 1) Reported concentrations from all previous monitoring;

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- 2) The degree of variation in reported concentrations; and
- 3) Other factors may affect contaminant concentrations, such as changes in groundwater pumping rates, changes in the CWSs configuration, the CWS's operating procedures, or changes in stream flows or characteristics.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(3) and (c)(5) (19931994).

f) SEP Conditions and Revision.

- 1) A SEP will expire at the end of the compliance cycle for which it was issued.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(3) (19931994).

- 2) In issuing a SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. A SEP must provide that the Agency will review and, where appropriate, revise its determination of the appropriate monitoring frequency when the supplier submits new monitoring data or when other data relevant to the supplier's appropriate monitoring frequency become available.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(6) (19931994).

- g) A supplier that exceeds the MCL for antimony, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, or selenium, or thallium, as determined in Section 611.609, shall monitor quarterly for that contaminant, beginning in the next quarter after the violation occurred.

BOARD NOTE: Derived from 40 CFR 141.23(c)(7) (19931994).

h) Reduction of quarterly monitoring.

- 1) The Agency shall grant a SEP pursuant to Section 611.110 that reduces the monitoring frequency to that specified by subsection (a) above if it determines that the sampling point is reliably and consistently below the MCL.

2) A request for a SEP must include the following minimal information:

- A) For a GWS: two quarterly samples.
- B) For an SWS or mixed system: four quarterly samples.
- 3) In issuing the SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring for any contaminant pursuant to subsection (g) above if it violates the MCL specified by Section 611.609 for that contaminant.

BOARD NOTE: Derived from 40 CFR 141.23(c)(8) (19931994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Each supplier shall monitor to determine compliance with the MCL for nitrite in Section 611.301.

- a) All suppliers shall take one sample at each sampling point during the compliance period beginning January 1, 1993 and ending December 31, 1995.
- b) This subsection corresponds with 40 CFR 141.23(e)(2), a provision by which USEPA U.S. EPA refers to state requirements that do not exist in Illinois. This statement maintains structural consistency with HSEPA U.S. EPA rules.
- c) Repeat monitoring frequency.
 - 1) Quarterly monitoring.
 - A) A supplier that has any one sample in which the concentration is equal to or greater than 50 percent of the MCL shall initiate quarterly monitoring during the next quarter.
 - B) A supplier required to begin quarterly monitoring pursuant to subsection (c)(1)(A) shall continue on a quarterly basis for a minimum of one year following any one sample exceeding the 50 percent of the MCL, after which the supplier may discontinue quarterly monitoring pursuant to subsection (c)(2).

2) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to reduce its monitoring frequency to annually if it determines that the sampling point is reliably and consistently below the MCL.

- A) A request for a SEP must include the following minimal information: the results from four quarterly samples.
- B) In issuing the SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring for nitrite pursuant to subsection (c)(1) if it equals or exceeds 50 percent of the MCL specified by Section 611.301 for nitrite.

- d) A supplier that is monitoring annually shall take samples during the quarter(s) which previously resulted in the highest analytical result.
- BOARD NOTE: Derived from 40 CFR 141.23(e) (19911994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.606 Confirmation Samples

- a) Where the results of sampling for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, or selenium, or thallium indicate a level in excess of the MCL, the supplier shall collect one additional sample as soon as possible after

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the supplier receives notification of the analytical result (but no later than two weeks after the initial sample was taken) at the same sampling point.

- b) Where nitrate or nitrite sampling results indicate level in excess of the MCL, the supplier shall take a confirmation sample within 24 hours after the supplier's receipt of notification of the analytical results of the first sample.
 - 1) Suppliers unable to comply with the 24-hour sampling requirement must, based on the initial sample, notify the persons served in accordance with Section 611.851.
 - 2) Suppliers exercising this option must take and analyze a confirmation sample within two weeks of notification of the analytical results of the first sample.
 - c) Averaging rules are specified in Section 611.609. The Agency shall delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original sample.
- BOARD NOTE: Derived from 40 CFR 141.23(f) (19911994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.609 Determining Compliance

Compliance with the MCLs of Sections 611.300 or 611.301 (as appropriate) must be determined based on the analytical result(s) obtained at each sampling point.

- a) For suppliers that monitor at a frequency greater than annual, compliance with the MCLs for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and or thallium is determined by a running annual average at each sampling point.
 - 1) If the average at any sampling point is greater than the MCL, then the supplier is out of compliance.
 - 2) If any one sample would cause the annual average to be exceeded, then the supplier is out of compliance immediately.
 - 3) Any sample below the method detection limit must be calculated at zero for the purpose of determining the annual average.

BOARD NOTE: The "detection limit" is the level of contaminant that can be determined by a particular method with a 95 percent degree of confidence, as determined by the method outlined in 40 CFR 136, Appendix B, incorporated by reference at Section 611.102.

- b) For suppliers that monitor annually or less frequently, compliance with the MCLs for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and or thallium is determined by the level of the contaminant at any sampling

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point. If a confirmation sample is taken, the determination of compliance will be based on the average of the two samples.

- c) Compliance with the MCLs for nitrate and nitrite is determined based on one sample if the levels of these contaminants are below the MCLs. If the levels of nitrate or nitrite exceed the MCLs in the initial sample, Section 611.606 requires confirmation sampling, and compliance is determined based on the average of the initial and confirmation samples.

- d) When the portion of the distribution system that is out of compliance is separable from other parts of the distribution system and has no interconnections, the supplier may give the public notice required by Subpart T only to persons served by that portion of the distribution system not in compliance.

BOARD NOTE: Derived from 40 CFR 141.23(i) (1993)(1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.611 Inorganic Analysis

Analytical methods are from documents incorporated by reference in Section 611.102. These are mostly referenced by a short name defined by Section 611.102(a). Other abbreviations are defined in Section 611.101.

- a) Analysis for ~~antimony~~-~~arsenic~~-~~barium~~-~~beryllium~~-~~cadmium~~-~~chromium~~-~~copper~~-~~nickel~~-~~nitrate~~-~~nitrite~~-~~potassium~~-~~silver~~-~~selenium~~-~~thallium~~-~~vanadium~~-~~mercury~~-~~zinc~~---Sections---611-619---through---611-664 the following contaminants must be conducted using the following methods. Criteria for analyzing arsenic, chromium, copper, lead, nickel, selenium, sodium, and thallium with digestion, and other analytical procedures, are contained in "Technical Notes on Drinking Water Methods", available from NTIS, incorporated by reference in Section 611.102. This document also contains approved analytical test methods that remain available for compliance monitoring until July 1, 1996. These methods will not be available for use after July 1, 1996.) For approved analytical techniques for metals and semimetals, the technique applicable to total metals must be used. For methods marked with an asterisk (*) the procedure of subsection (f) below must be used for preservation measurement of turbidity and digestion:

- 1) Antimony:
 - A) Atomic absorption furnace technique*
 - †† USEPA Inorganic Methods:--Method 204-27-or
 - ††† Standard Methods:--Method 3113
 - B) Atomic--absorption--platform--furnace--technique*--USEPA Environmental Metals Methods:--Method 200-9
 - E) Inductively-coupled plasma-mass spectrometry: USEPA U.S. EPA Environmental Metals Methods: Method 200.87-or
 - B) Atomic absorption, gaseous hydride technique--using--the digestion--technique--set--forth--in--the--method: ASTM Method

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- C) Atomic absorption, platform furnace technique: U.S. EPA Environmental Metals Methods: Method 200.9.
- D) Atomic absorption, furnace technique: Standard Methods: Method 3113 B.

2) Arsenic:

- A) Inductively-coupled Plasma:
 - i) U.S. EPA Environmental Metals Methods: Method 200.7, or
 - ii) Standard Methods (18th ed.): Method 3113 B.
- B) Inductively-coupled plasma-mass spectrometry: U.S. EPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, platform furnace technique: U.S. EPA Environmental Metals Methods: Method 200.9.
- D) Atomic Absorption, furnace technique:
 - i) ASTM D2972-93 C, or
 - ii) Standard Methods: Method 3113 B.
- E) Atomic absorption, hydride technique:
 - i) ASTM D2372-93 B, or
 - ii) Standard Methods: Method 3114 B.

- 2) Asbestos: Transmission electron microscopy: U.S. EPA USEPA Asbestos Methods-100.1 and U.S. EPA Asbestos Methods-100.2.

3) Barium:

- A) Atomic absorption furnace technique*
 - †† USEPA Inorganic Methods:--Method 204-27-or
 - ††† Standard Methods:--Method 3113B
- B) Atomic absorption direct aspiration technique*
 - †† USEPA Inorganic Methods:--Method 200-17-or
 - ††† Standard Methods:--Method 3113B-or
- E) Inductively-coupled plasma arc furnace*
 - i) USEPA U.S. EPA Environmental Metals Methods: Method 200.7, or
 - ii) Standard Methods: Method 3120 B.
- B) Inductively-coupled plasma-mass spectrometry: U.S. EPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, direct aspiration technique: Standard Methods: Method 3111 D.
- D) Atomic absorption, furnace technique: Standard Methods: Method 3113 B.

4) Beryllium:

- A) Atomic absorption furnace technique*
 - †† USEPA Inorganic Methods:--Method 210-27
 - ††† ASTM Method-B3645-84B7-or
 - †††† Standard Methods:--Method 3113
- B) Atomic absorption platform furnace--technique*--USEPA Environmental Metals Methods:--Method 200-97
- E) Inductively-coupled plasma arc furnace*
 - i) USEPA U.S. EPA Environmental Metals Methods: Method

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200.7, or

- ii) Standard Methods: Method 3120 B.7-or
 B7B) Inductively-coupled plasma-mass spectrometry: USEPA
 U.S. EPA Environmental Metals Methods: Method 200.8.
 C) Atomic absorption, platform furnace technique: U.S. EPA
 Environmental Metals Methods: Method 200.9.
 D) Atomic absorption, furnace technique:

- i) ASTM Method D 3645-93 B, or
 ii) Standard Methods: Method 3113 B.

576) Cadmium:

- A) Atomic-absorption-furnace-technique:
 +- USEPA-Inorganic-Methods--Method-213-27-or
 +- Standard-Methods--Method-3113B-or
 B7A) Inductively-coupled plasma arc furnace: USEPA U.S. EPA
 Environmental Metals Methods: Method 200.7.
 B) Inductively-coupled plasma-mass spectrometry: U.S. EPA
 Environmental Metals Methods: Method 200.8.
 C) Atomic absorption, platform furnace technique: U.S. EPA
 Environmental Metals Methods: Method 200.9.
 D) Atomic absorption, furnace technique: Standard Methods:
 Method 3113 B.

677) Chromium:

- A) Atomic-absorption-furnace-technique:
 +- USEPA-Inorganic-Methods--Method-218-27-or
 +- Standard-Methods--Method-3113B-or
 B7A) Inductively-coupled plasma arc furnace:
 i) USEPA U.S. EPA Environmental Metals Methods: Method
 200.7, or
 ii) Standard Methods: Method 3120 B.

- B) Inductively-coupled plasma-mass spectrometry: U.S. EPA
 Environmental Metals Methods: Method 200.8.

- C) Atomic absorption, platform furnace technique: U.S. EPA
 Environmental Metals Methods: Method 200.9.

- D) Atomic absorption, furnace technique: Standard Methods:
 Method 3113 B.

778) Cyanide:

- A) Distillation (Standard Methods: Method 4500-CN), followed
 by spectrophotometric, amenable:
 +- USEPA-Inorganic-Methods--Method-335-27
 +- ASTM Method D2036-89A1 B,
 +- Standard Methods: Method 4500-CN B67-or.
 +- BSSS-Methods--Method-I-3300-857
 B) Automated-distillation Distillation (Standard Methods:
 Method 4500-CN), followed by spectrophotometric, manual:
 +- USEPA-Inorganic-Methods-ASTM Method 335-27 D2036-91A,
 or

- ii) Standard Methods: Method 4500-CN B7, or
 iii) USGS Methods: Method I-3300-85.

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- C) Distillation (Standard Methods: Method 4500-CN), followed
 by semiautomated spectrophotometric selective-electrode:
 U.S. EPA Environmental Inorganic Methods: Method 335-1.

- +- ASTM-Method-D2036-89A7-or

- +- Standard-Methods--Method-4500-CN-B7-or
 D) Distillation--amenable--spectrophotometric
 electrode: Standard Methods: Method 4500-CN F.

- +- USEPA-Inorganic-Methods--Method-335-17

- +- ASTM-Method-D2036-89B7-or

- +- Standard-Methods--Method-4500-CN-B7

9) Fluoride:

- A) Ion Chromatography:
 i) U.S. EPA Environmental Inorganic Methods: Method
 300.0,
 ii) ASTM Method D1327-91, or
 iii) Standard Methods: Method 4110 B.

- B) Manual distillation, colorimetric SPADNS: Standard Methods:
 Method 4500-F B and D.
 C) Manual electrode:
 i) ASTM D1179-93B, or
 ii) Standard Methods: Method 4500-F C.

- D) Automated electrode: Technicon Methods: Method 380-75BE.
 E) Automated alizarin:
 i) Standard Methods: Method 4500-F E, or
 ii) Technicon Methods: Method 129-71W.

8710) Mercury:

- A) Manual cold vapor technique-using-the-digestion-technique
 set-forth-in-the-method:
 i) USEPA U.S. EPA Inorganic Environmental Metals
 Methods: Method 245.1,
 ii) ASTM D3223-8691, or
 iii) Standard Methods: Method 3112 B7-or.

- B) Automated cold vapor technique-using-the-digestion
 technique-set-forth-in-the-method: USEPA U.S. EPA Inorganic
 Methods: Method 245.2.

- C) Inductively-coupled plasma-mass spectrometry: U.S. EPA
 Environmental Metals Methods: Method 200.3.

- 9711) Nickel:
 A) Atomic-absorption-furnace-technique:
 +- USEPA-Inorganic-Methods--Method-247-27-or
 +- Standard-Methods--Method-3113B

- B) Atomic-absorption--platform-furnace-technique--USEPA
 Environmental-Methods--Method-244-27

- C) Atomic-absorption-direct-aspiration-technique:
 +- USEPA-Inorganic-Methods--Method-240-17-or
 +- Standard-Methods--Method-3113B

- D) Inductively-coupled plasma:
 i) USEPA U.S. EPA Environmental Metals Methods: Method

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- 200.7, or
- ii) Standard Methods: Method 3120 B7 or.
- B7B) Inductively-coupled plasma-mass spectrometry: USEPA U.S. EPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, platform furnace technique: U.S. EPA Environmental Metals Methods: Method 200.9;
- D) Atomic absorption, direct aspiration technique: Standard Methods: Method 3111 B;
- E) Atomic absorption, furnace technique: Standard Methods: Method 3113 B.
- 10712) Nitrate:
- A) Manual-cadmium-reduction:
- 1) USEPA-Inorganic-Methods:--Method-353-37
- 2) ASTM D3867-90 or
- 3) Standard Methods:--Method-4500-NO(3)-B7
- Automated-----hydrazine-----reduction--USEPA-----inorganic Methods:--Method-353-17
- E) Automated-cadmium-reduction:
- 1) USEPA-Inorganic-Methods:--Method-353-37
- 2) ASTM D3867-90 or
- 3) Standard Methods:--Method-4500-NO(3)P7
- B) Ion-selective-electrode:--NHWG/5880, available--from--Orion Research--or
- B7A) Ion chromatography:
- 1) USEPA U.S. EPA Ion-Chromatography Environmental Inorganic Methods: Method 300.0, or
- ii) ASTM D4327-91,
- iii) Standard Methods: Method 4500-NO(3), or
- iv) B-1011, available from Millipore Corporation.
- B) Automated cadmium reduction:
- 1) U.S. EPA Environmental Inorganic Methods: Method 353.2,
- ii) ASTM D3867-90 B, or
- iii) Standard Methods: Method 4500-NO(3) F.
- C) Ion selective electrode:
- 1) Standard Methods: Method 4500-NO(3) D, or
- ii) Technical Bulletin 601.
- D) Manual cadmium reduction:
- 1) ASTM D3867-90 B, or
- ii) Standard Methods: Method 45-NO(3) E.
- 11713) Nitrite:
- A) Spectrophotometric:--USEPA-Inorganic-Methods:--Method-354-17
- B) Automated-cadmium-reduction:
- 1) USEPA-Inorganic-Methods:--Method-353-27
- 2) ASTM D3867-90 or
- 3) Standard Methods:--Method-4500-NO(3)P7
- Manual-cadmium-reduction:
- 1) USEPA-Inorganic-Methods:--Method-353-37

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- 2) ASTM D3867-90 or
- 3) Standard Methods:--Method-4500-NO(3)E:
- B7A) Ion chromatography:
- 1) USEPA U.S. EPA Ion-Chromatography Environmental Inorganic Methods: Method 300.0, or
- ii) ASTM D4327-91,
- iii) Standard Methods: Method 4110 B, or
- iv) Method B-1011, available from Millipore Corporation.
- B) Automated cadmium reduction:
- 1) U.S. EPA Environmental Inorganic Methods: Method 353.2,
- ii) ASTM D3867-90 A, or
- iii) Standard Methods: Method 4500-NO(3) F.
- C) Manual cadmium reduction:
- 1) ASTM D3867-90 B, or
- ii) Standard Methods: Method 4500-NO(3) E.
- D) Spectrophotometric: Standard Methods: Method 4500-NO(2) B.
- 12714) Selenium:
- A) Atomic absorption, gaseous hydride--using--the-digestion technique--set-forth-in-the-method:
- 1) ASTM D3859-8493 A, or
- ii) Standard Methods: Method 3114 B7 or.
- B) Inductively-coupled plasma-mass spectrometry: U.S. EPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, platform furnace technique: U.S. EPA Environmental Metals Methods: Method 200.9.
- B7D) Atomic absorption, graphite furnace technique:--adding-2mb of-30%--hydrogen--peroxide--(H2O2)--and--an--appropriate concentration-of-nickel-nitrate-hexahydrate-(NiNO(2)-6H(2)O) to-the-samples-as-a-matrix-modifier:
- 1) USEPA-Inorganic-Methods:--Method-270-27
- 2) ASTM D3859-8493 B, or
- iii) Standard Methods: Method 3113 B.
- 12715) Thallium:
- A) Atomic-absorption--furnace--technique--using-the-digestion technique--set-forth-in-the-method:
- 1) USEPA-Inorganic-Methods:--Method-379-27 or
- 2) Standard-Methods:--Method-31137
- B) Atomic-absorption--platform--furnace--technique--using--the digestion--technique--set-forth-in--the--method:--USEPA Environmental-Metals-Methods:--Method-300-97 or
- E) Inductively-coupled plasma-mass spectrometry: USEPA U.S. EPA Environmental Metals Methods: Method 200.8.
- B7ARD--NOTE:--Retrieved-from-40-EPR-14:23(k)(1)-(1992)-and-40 EPR-14:23-(k)(4)-as-added-at-57-Ped--Reg--3839-40-(July 17-1992)--in-promulgating-the-phase-V-rules-USEPA-creates a-new-table-of-analytical-methods-at-40-EPR-14:23(k)(4) that-would-duplicate-the-methods-set-forth-at-40-EPR

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141-234747- except that USEPA updated and revised several of the methods. The Board has combined the two federal tables using the version of each method set forth in the Phase-V rules where the methods set forth conflict.

B) Atomic absorption, platform furnace technique: U.S. EPA Environmental Metals Methods: Method 200.9.

16) Lead:

- A) Atomic absorption, furnace technique:
i) ASTM D3559-90 D, or
ii) Standard Methods: Method 3113 B.
- B) Inductively-coupled plasma-mass spectrometry: U.S. EPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, platform furnace technique: U.S. EPA Environmental Metals Methods: Method 200.9.

17) Copper:

- A) Atomic absorption, furnace technique:
i) ASTM D1688-90 C, or
ii) Standard Methods: Method 3113 B.
- B) Atomic absorption, direct aspiration:
i) ASTM D1688-90 A, or
ii) Standard Methods: Method 3111 B.
- C) Inductively-coupled plasma:
i) U.S. EPA Environmental Metals Methods: Method 200.7, or
ii) Standard Methods: Method 3120 B.

- D) Inductively-coupled plasma-mass spectrometry: U.S. EPA Environmental Metals Methods: Method 200.8.
- E) Atomic absorption, platform furnace technique: U.S. EPA Environmental Metals Methods: Method 200.9.

18) pH:

- A) Electrometric:
i) U.S. EPA Inorganic Methods: Method 150.1,
ii) ASTM D1293-84, or
iii) Standard Methods: Method 4500-H(+) B.
- B) U.S. EPA Inorganic Methods: Method 150.2.

19) Conductivity: Conductance:

- A) ASTM D1125-91 A, or
B) Standard Methods: Method 2510 B.

20) Calcium:

- A) EDTA titrimetric:
i) ASTM D511-93 A, or
ii) Standard Methods: Method 3500-Ca D.
- B) Atomic absorption, direct aspiration:
i) ASTM D511-93 B, or
ii) Standard Methods: Method 3111 B.

C) Inductively-coupled plasma:

- i) U.S. EPA Environmental Metals Methods: Method 200.7, or
ii) Standard Methods: Method 3120 B.

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141-234747- except that USEPA updated and revised several of the methods. The Board has combined the two federal tables using the version of each method set forth in the Phase-V rules where the methods set forth conflict.

B) Atomic absorption, platform furnace technique: U.S. EPA Environmental Metals Methods: Method 200.9.

21) Alkalinity:

- A) Titrimetric:
i) ASTM D1067-92 B, or
ii) Standard Methods: Method 2320 B.
- B) Electrometric titration: USGS Methods: Method I-1030-85.
- 22) Orthophosphate (unfiltered, without digestion or hydrolysis):
A) Automated colorimetric, ascorbic acid:
i) U.S. EPA Environmental Inorganic Methods: Method 365.1, or
ii) Standard Methods: Method 4500-P F.
- B) Single reagent colorimetric, ascorbic acid:
i) ASTM D515-88 A, or
ii) Standard Methods: Method 4500-P E.

- C) Colorimetric, polyphosphomolybdate: USGS Methods: Method I-1601-85.

- D) Colorimetric, automated-segmented flow: USGS Methods: Method I-2601-90.

- E) Colorimetric, automated discrete: USGS Methods: Method I-2598-85.

F) Ion Chromatography:

- i) U.S. EPA Environmental Inorganic Methods: Method 300.0,
ii) ASTM D4327-91, or
iii) Standard Methods: Method 4110.

23) Silica:

- A) Colorimetric, molybdate blue: USGS Methods: Method I-1700-85.
- B) Colorimetric, automated-segmented flow: USGS Methods: Method I-2700-85.

C) Colorimetric: ASTM D859-88.

- D) Molybdosilicate: Standard Methods: Method 4500-Si D.

- E) Heteropoly blue: Standard Methods: Method 4500-Si E.

- F) Automated method for molybdate-reactive silica: Standard Methods: Method 4500-Si F.

G) Inductively-coupled plasma:

- i) U.S. EPA Environmental Metals Methods: Method 200.7, or
ii) Standard Methods: Method 3120 B.

24) Temperature: thermometric: Standard Methods: Method 2550 B.

25) Sodium:

- A) Inductively-coupled plasma: U.S. EPA Environmental Metals Methods: Method 200.7.
- B) Atomic absorption, direct aspiration: Standard Methods: Method 3111 B.

b) Arsenic: Analyses for arsenic must be conducted using one of the following methods:

- i) Atomic absorption: furnace technique: USEPA inorganic

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- Methods:--Method-266-37
- 2) Atomic Absorption--gaseous-hydrogen
- A) USBA-Inorganic-Methods:--Method-266-37
- B) ASPW-B2972-80B7
- C) Standard-Methods:--
- 1) Method-307A--referencing-Methods-303B-and-30477-or
- 1) Method-307B
- B) USGS-Methods:--I-1062-857
- 3) Spectrophotometric--silver-dithionite-dithiocarbamate:
- A) USBA-Inorganic-Methods:--Method-266-47
- B) ASPW-B-2972-80A7-or
- C) Standard-Methods:--Method-307B7-or
- 4) Inductively-coupled-plasma--arc-furnace:--Method-300-77---as supplemented-by-appendix-200-7A:
- BOARD-NOTE:--Derived-from-40-EPW-141-23(k)(2)-(1992)-
- 5) Fluoride--Analyses--for--fluoride-must-be-conducted-using-one-of-the following-methods:
- 1) Colorimetric-SPADNS7-with-distillation:
- A) USBA-Inorganic-Methods:--Method-340-17
- B) ASPW-B1173-72A7-or
- C) Standard-Methods:--Methods-413A-and-413E7
- BOARD-NOTE:--40-EPW-141-23(k)(3)-cites-Methods-413-A-and-413-E-and-an-obvious-error-that-the-Board-has-corrected-to--413A--and-413E7
- 2) Potentiometric-ion-selective-electrode:
- A) USBA-Inorganic-Methods:--Method-340-27
- B) ASPW-B1173-72B7-or
- C) Standard-Methods:--Method-413B7
- 3) Automated-Analyzer-fluoride-biuret-with-distillation-(complexone):
- A) USBA-Inorganic-Methods:--Method-340-37
- B) Standard-Methods:--Method-413E7-or
- C) Recantion-Methods:--Method-129-71W7-or
- 4) Automated-ion-selective-electrode--technicon-Methods-Method-300-75WB7
- BOARD-NOTE:--Derived-from-40-EPW-141-23(k)(3)-(1992)-
- d) Sample collection for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium pursuant to Sections 611.600 through 611.604 must be conducted using the following sample preservation, container and maximum holding time procedures:
- 1) Antimony:
- A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.
- B) Plastic or glass (hard or soft).
- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.
- 2) Beryllium:
- A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.
- B) Plastic or glass (hard or soft).
- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.
- 3) Cadmium:
- A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.
- B) Plastic or glass (hard or soft).
- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.
- 4) Chromium:
- B) Plastic or glass (hard or soft).
- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

rinsed with 1:1 nitric acid; washings must be added to the sample.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

2) Asbestos:

A) Preservative: Cool to 4° C.

B) Plastic or glass (hard or soft).

3) Barium:

A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

4) Beryllium:

A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

5) Cadmium:

A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

6) Chromium:

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

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conduct sample analyses for antimony, beryllium, cyanide, nickel, and thallium under provisional certification granted by the Agency until January 1, 1996. The Agency shall certify laboratories to conduct analyses for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenite, and thallium if the laboratory:

- 1) Analyzes performance evaluation samples, provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c), that include those substances at levels not in excess of levels expected in drinking water; and
- 2) Achieves quantitative results on the analyses within the following acceptance limits:
 - A) Antimony: $\pm 30\%$ at greater than or equal to 0.006 mg/L.
BOARD NOTE: 40 CFR 141.23(k)(63) (1994), as renumbered from ~~part 141.23(k)(63) and amended at 40 CFR 141.23(k)(63) by 19927~~, actually lists "630" as the acceptance limit for antimony. The Board corrected this to " $\pm 30\%$ " based on the discussion at 57 Fed. Reg. 31801.
 - B) Asbestos: 2 standard deviations based on study statistics.
 - C) Barium: $\pm 15\%$ at greater than or equal to 0.15 mg/L.
 - D) Beryllium: $\pm 15\%$ at greater than or equal to 0.001 mg/L.
 - E) Cadmium: $\pm 20\%$ at greater than or equal to 0.002 mg/L.
 - F) Chromium: $\pm 15\%$ at greater than or equal to 0.01 mg/L.
 - G) Cyanide: $\pm 25\%$ at greater than or equal to 0.1 mg/L.
 - H) Fluoride: $\pm 10\%$ at 1 to 10 mg/L.
 - I) Mercury: $\pm 30\%$ at greater than or equal to 0.0005 mg/L.
 - J) Nickel: $\pm 15\%$ at greater than or equal to 0.01 mg/L.
 - K) Nitrate: $\pm 10\%$ at greater than or equal to 0.4 mg/L.
 - L) Nitrite: $\pm 15\%$ at greater than or equal to 0.4 mg/L.
 - M) Selenium: $\pm 20\%$ at greater than or equal to 0.01 mg/L.
 - N) Thallium: $\pm 30\%$ at greater than or equal to 0.002 mg/L.

BOARD NOTE: ~~Beryllium~~ Subsection (e) is derived from the table to 40 CFR 141.23(k)(52) (19921994), as amended--and renumbered to--40 CFR 141.23(k)(63) at 5759 Fed. Reg. 31840-42 52466 (July 17, 1992Dec. 5, 1994), and the discussion at 57 Fed. Reg. 31809 July 17, 1992). Section 611.609 is derived from 40 CFR 141.23(k) (1994), as amended at 59 Fed. Reg. 62466 (Dec. 5, 1994).

f) ~~Sample preservation--turbidity--measurements--and digestion--for all analytical methods--marked with an asterisk--(*)--in--subsection--(f) above--the following must be done:~~

- 1) ~~The samples must be preserved with concentrated nitric acid (pH < 2.0).~~
- 2) ~~Turbidity must be measured on the preserved samples immediately prior to analysis--and~~
- 3) ~~The sample must be analyzed as follows:~~
 - A) ~~Directly for total metals if the turbidity is less than 1 NCU, or~~

B) ~~After digestion--using the total recoverable technique--as defined in the applicable method, if the turbidity is 1 NCU or greater--~~
~~BOARD NOTE: Derived from 40 CFR 141.23(k)(47) footnote 67 as added at 57 Fed. Reg. 31840-43 July 17, 1992.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.612 Monitoring Requirements for Old Inorganic MCLs

a) Analyses for the purpose of determining compliance with the old inorganic MCLs of Section 611.300 are required as follows:

- 1) Analyses for all CWSs utilizing surface water sources must be repeated at yearly intervals.
- 2) Analyses for all CWSs utilizing only groundwater sources must be repeated at three-year intervals.
- 3) This subsection corresponds with 40 CFR 141.23(l)(3) (19931994), which requires monitoring for the repealed old MCL for nitrate at a frequency specified by the state. The Board has followed the U.S. EPA lead and repealed that old MCL. This statement maintains structural consistency with U.S. EPA rules.
- 4) This subsection corresponds with 40 CFR 141.23(l)(4) (19931994), which authorizes the state to determine compliance and initiate enforcement action. This authority exists through the authorization of the Act, not through federal rules. This statement maintains structural consistency with U.S. EPA rules.
- b) If the result of an analyses made under subsection (a) above indicates that the level of any contaminant listed in Section 611.300 exceeds the old MCL, the supplier shall report to the Agency within 7 days and initiate three additional analyses at the same sampling point within one month.
- c) When the average of four analyses made pursuant to subsection (b) above, rounded to the same number of significant figures as the old MCL for the substance in question, exceeds the old MCL, the supplier shall notify the Agency and give notice to the public pursuant to Subpart T of this Part. Monitoring after public notification must be at a frequency designated by the Agency by a SEP granted pursuant to Section 611.110 and must continue until the old MCL has not been exceeded in two successive samples or until a different monitoring schedule becomes effective as a condition to a variance, an adjusted standard, a site specific rule, an enforcement action, or another SEP granted pursuant to Section 611.110.
- d) This subsection corresponds with 40 CFR 141.23(o) (19931994), which pertains to monitoring for the repealed old MCL for nitrate. The Board has followed the U.S. EPA action and repealed that old MCL. This statement maintains structural consistency with U.S. EPA rules.
- e) This subsection corresponds with 40 CFR 141.23(p) (19931994), which

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pertains to the use of existing data up until a date long since expired. The Board did not adopt the original provision in R89-26. This statement maintains structural consistency with U.S. EPA rules.

f) Analyses conducted to determine compliance with the old MCLs of Section 611.300 must be made in accordance with the following methods, incorporated by reference in Section 611.102.

- 1) ~~Asbestos:~~
- A) ~~ASPM:~~
 - i) ~~Method-B2972-88A7-or~~
 - ii) ~~Method-B2972-88B7~~
 - B) ~~Standard Methods:~~
 - i) ~~Method-307A7-or~~
 - ii) ~~Method-307B7~~
 - C) ~~USGS Method-Method-I-1062-857~~
 - D) ~~U.S.-EPA-Inorganic-Methods:~~
 - i) ~~Method-3067-77-or~~
 - ii) ~~Method-3067-77-or~~
- 2) Fluoride: The methods specified in Section 611.611(c) shall apply for the purposes of this Section.
- 3) Cyanide--until--the--cyanide--MCL--of--Section--611.300--is--no--longer--effective:
- A) ~~Standard Methods:~~
 - i) ~~Method-4509-CN-B7-B7-F7-or-67~~
 - B) ~~U.S.-EPA-Inorganic-Methods:~~
 - i) ~~Method-3357-77-3357-77-or-3357-77-or~~
 - C) ~~ASPM-Methods-B2036-89A-or-B7~~

42) Iron:

- A) Standard Methods: ~~Method-303A7~~
 - i) ~~Method 3111 B, or~~
 - ii) ~~Method 3113 B, or~~
 - iii) ~~Method 3120 B.~~

B) U.S. EPA Environmental Metals Inorganic Methods:

- i) ~~Method 2367-200.7, or~~
- ii) ~~Method 2367-200.9,7-or~~

C) ~~IEP-Method-200-77-as-supplemented-by-Appendix-200-7A-~~

53) Manganese:

A) ~~ASPM:--Method-B650-847~~B) Standard Methods: ~~Method-303A7~~

- i) ~~Method 3111 B, or~~
- ii) ~~Method 3113 B, or~~
- iii) ~~Method 3120 B.~~

C) U.S. EPA Inorganic Environmental Metals Methods:

- i) ~~Method 2437-77-or 200.7,~~
- ii) ~~Method 2437-200.8,7 or~~
- iii) ~~Method 200.9.~~

D) ~~IEP-Method-200-77-as-supplemented-by-Appendix-200-7A-~~

64) Zinc:

- A) Standard Methods: ~~Method-303A7-or~~

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- i) ~~Method 3111 B, or~~
 - ii) ~~Method 3120 B.~~
- B) U.S. EPA Inorganic Environmental Metals Methods:
- i) ~~Method 209-200.7, or~~
 - ii) ~~Method 209-200.8.~~

BOARD NOTE: The provisions of subsections (a) through (f)(3) above derived from 40 CFR 141.23(l) through (qp) (19911994), as amended at 59 Fed. Reg. 62466 (Dec. 5, 1994). ~~The Board has deleted several analytical methods codified by U.S. EPA at removed and reserved 40 CFR 141.23(q) (formerly 40 CFR 141.23(f)) because the MCLs of 40 CFR 141.23(f) expired for those contaminants on July 30 and November 30, 1992 at 59 Fed. Reg. 62466 (Dec. 5, 1994). Subsection (f)(2) above relates to a contaminant for which U.S. EPA specifies an MCL, but for which it repealed the analytical method. Subsections (f)(4) through (f)(6) above relate exclusively to additional state requirements. The Board retained subsections (f)(1), (f)(3), and (f)(4) to set forth methods for the inorganic contaminants for which there is a state-only MCL. The methods specified are those set forth in 40 CFR 143.4(b), as amended at 59 Fed. Reg. 62471 (Dec. 5, 1994), for secondary MCLs. The predecessor to subsections (a) through (e) above were formerly codified as Section 611.601. The predecessor to subsection (f) above was formerly codified as Section 611.606.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.630 Special Monitoring for Sodium

- a) CWS suppliers shall collect and analyze one sample per plant at the entry point of the distribution system for the determination of sodium concentration levels; samples must be collected and analyzed annually for CWSs utilizing surface water sources in whole or in part, and at least every three years for CWSs utilizing solely groundwater sources. The minimum number of samples required to be taken by the supplier is based on the number of treatment plants used by the supplier, except that multiple wells drawing raw water from a single aquifer may, with the Agency approval, be considered one treatment plant for determining the minimum number of samples. The Agency shall require the supplier to collect and analyze water samples for sodium more frequently in locations where the sodium content is variable.
- b) The CWS supplier shall report to the Agency the results of the analyses for sodium within the first 10 days of the month following

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the month in which the sample results were received or within the first 10 days following the end of the required monitoring period as specified by SEP, whichever of these if first. If more than annual sampling is required the supplier shall report the average sodium concentration within 10 days of the month following the month in which the analytical results of the last sample used for the annual average was received.

c) The CWS supplier shall notify the Agency and appropriate local public health officials of the sodium levels by written notice by direct mail within three months. A copy of each notice required to be provided by this subsection must be sent to the Agency within 10 days of its issuance.

d) Analyses for sodium must be performed by the following methods incorporated by reference in Section 611.641: Conducted as directed in Section 611.611(a).

1) Standard Methods, Methods 320 and 320A, Flame-Photometric Method, 17th Edition, 1990.

2) USEPA Inorganic Methods, 1989.

A) Method 273-27 Atomic Absorption, Direct Aspiration, 1989.

B) Method 273-27 Atomic Absorption, Graphite Furnace, 1989.

3) ASTM Method D429-64.

BOARD NOTE: Derived from 40 CFR 141.42 (1992/1994), as amended at 59 Fed. Reg. 62470 (Dec. 5, 1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.641 Old MCLs

a) An analysis of substances for the purpose of determining compliance with the old MCLs of Section 611.310 must be made as follows:

1) The Agency shall, by SEP, require CWS suppliers utilizing surface water sources to collect samples during the period of the year when contamination by pesticides is most likely to occur. The Agency shall require the supplier to repeat these analyses at least annually.

BOARD NOTE: This applies also to additional State requirements. The Agency shall, by SEP, require CWS suppliers utilizing only groundwater sources to collect samples at least once every three years.

b) If the result of an analysis made pursuant to subsection (a) indicates that the level of any contaminant exceeds its old MCL, the CWS supplier shall report to the Agency within 7 days and initiate three additional analyses within one month.

c) When the average of four analyses made pursuant to subsection (a), rounded to the same number of significant figures as the MCL for the

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substance in question, exceeds the old MCL, the CWS supplier shall report to the Agency and give notice to the public pursuant to Subpart T. Monitoring after public notification must be at a frequency designated by the Agency and must continue until the MCL has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

d) Analysis made to determine compliance with the old MCLs of Section 611.310 must be made in accordance with the appropriate methods specified in Section 611.643(1).

BOARD NOTE: This provision now applies only to state-only MCLs. It was formerly derived from 40 CFR 141.24(a) through (de) (1992), which U.S. EPA removed and reserved at 59 Fed. Reg. 34323 (July 1, 1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.645 Analytical Methods for Old MCLs Organic Chemical Contaminants

Analysis made to determine compliance with the old MCLs of Section 611.310 must be made in accordance with the appropriate methods specified in Section 611.643(1). Analysis for the Section 611.311(a) VOCs under Section 611.646, the organic MCLs under Section 611.641 shall be conducted using the methods listed in this Section or by equivalent methods as approved by the Agency. All methods are from U.S. EPA Organic Methods unless otherwise indicated.

Volatile Organic Chemical Contaminants (VOCs):

Benzene

502.2, 524.2

Carbon tetrachloride

502.2, 524.2, 551

Chlorobenzene

502.2, 524.2

1,2-Dichlorobenzene

502.2, 524.2

1,4-Dichlorobenzene

502.2, 524.2

1,2-Dichloroethane

502.2, 524.2

cis-Dichloroethylene

502.2, 524.2

trans-Dichloroethylene

502.2, 524.2

Dichloromethane

502.2, 524.2

1,2-Dichloropropane

502.2, 524.2

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<u>Ethylbenzene</u>	<u>502.2, 524.2</u>
<u>Styrene</u>	<u>502.2, 524.2</u>
<u>Tetrachloroethylene</u>	<u>502.2, 524.2, 551</u>
<u>1,1,1-Trichloroethane</u>	<u>502.2, 524.2, 551</u>
<u>Trichloroethylene</u>	<u>502.2, 524.2, 551</u>
<u>Toluene</u>	<u>502.2, 524.2</u>
<u>1,2,4-Trichlorobenzene</u>	<u>502.2, 524.2</u>
<u>1,1-Dichloroethylene</u>	<u>502.2, 524.2</u>
<u>1,1,2-Trichloroethane</u>	<u>502.2, 524.2</u>
<u>Vinyl chloride</u>	<u>502.2, 524.2</u>
<u>Xylenes (total)</u>	<u>502.2, 524.2</u>
<u>Synthetic Organic Chemical Contaminants (SOCs):</u>	
<u>2,3,7,8-Tetrachlorodibenzodioxin (2,3,7,8-TCDD or dioxin)</u>	<u>Dioxin and Furan</u> <u>Method 1613</u>
<u>2,4-D</u>	<u>515.1, 515.2, 555</u>
<u>2,4,5-TP (Silvex)</u>	<u>515.1, 515.2, 555</u>
<u>Alachlor</u>	<u>505*, 507, 508.1,</u> <u>525.2</u>
<u>Atrazine</u>	<u>505*, 507, 508.1,</u> <u>525.2</u>
<u>Benzo(a)pyrene</u>	<u>525.2, 531, 550.1</u>
<u>Carbofuran</u>	<u>531.1, Standard</u> <u>Methods: Method 6610</u>
<u>Chlordane</u>	<u>505, 508, 508.1,</u> <u>525.2</u>
<u>Dalapon</u>	<u>515.1, 552.1</u>

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<u>Di(2-ethylhexyl)adipate</u>	<u>506, 525.2</u>
<u>Di(2-ethylhexyl)phthalate</u>	<u>506, 525.2</u>
<u>Dibromochloropropane (DBCP)</u>	<u>504.1, 551</u>
<u>Dinoseb</u>	<u>515.1, 515.2, 555</u>
<u>Diquat</u>	<u>549.1</u>
<u>Endothall</u>	<u>549.1</u>
<u>Endrin</u>	<u>505, 508, 508.1,</u> <u>525.2</u>
<u>Ethylene Dibromide (EDB)</u>	<u>504.1, 551</u>
<u>Glyphosate</u>	<u>547, Standard</u> <u>Methods: Method 6651</u>
<u>Heptachlor</u>	<u>505, 508, 508.1,</u> <u>525.2</u>
<u>Heptachlor Epoxide</u>	<u>505, 508, 508.1,</u> <u>525.2</u>
<u>Hexachlorobenzene</u>	<u>505, 508, 508.1,</u> <u>525.2</u>
<u>Hexachlorocyclopentadiene</u>	<u>505, 508, 508.1,</u> <u>525.2</u>
<u>Lindane</u>	<u>505, 508, 508.1,</u> <u>525.2</u>
<u>Methoxychlor</u>	<u>505, 508, 508.1,</u> <u>525.2</u>
<u>Oxamyl</u>	<u>531.1, Standard</u> <u>Methods: Method 6610</u>
<u>PCBs (measured for compliance purposes as decchlorobiphenyl)</u>	<u>508A</u>
<u>PCBs (qualitatively identified as Aroclor-)</u>	<u>505, 508</u>

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Pentachlorophenol515.1, 515.2, 525.2,
555Picloram515.1, 515.2, 555Simazine505*, 507, 508.1,
525.2Toxaphene505, 508, 525.2Total Trihalomethanes (TTHMs):Total Trihalomethanes (TTHMs)502.2, 524.2State-Only MCLs (for which a method is not listed above):Aldrin505, 508, 508.1,
525.2DDT505, 508Dieldrin505, 508, 508.1,
525.2

* denotes that for the particular contaminant, a nitrogen-phosphorus detector should be substituted for the electron capture detector in method 505 (or another approved method should be used) to determine atracior, atrazine, and simazine if lower detection limits are required.

BOARD NOTE: Derived from 40 CFR 141.24 (19911994) as added at 59 Fed. Reg. 62469 (Dec. 5, 1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants

Monitoring of the Phase I VOCs and Phase II VOCs for the purpose of determining compliance with the MCL must be conducted as follows:

a) Definitions. As used in this Section:

"Detect" and "detection" means that the contaminant of interest is present at a level greater than or equal to the "detection limit".

"Detection limit" means 0.0005 mg/L.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7), (f)(11), (f)(14)(i), and (f)(20) (19931994). This is a "trigger level"

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for Phase I, Phase II, and Phase V VOCs inasmuch as it prompts further action. The use of the term "detect" in this section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "method detection limit". Note, however that certain language at the end of federal paragraph (f)(20) is capable of meaning that the "method detection limit" is used to derive the "detection limit". The Board has chosen to disregard that language at the end of paragraph (f)(20) in favor of the more direct language of paragraphs (f)(7) and (f)(11).

"Method detection limit", as used in subsections (q) and (t) below means the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

BOARD NOTE: Derived from 40 CFR 136, Appendix B (19931994). The method detection limit is determined by the procedure set forth in 40 CFR 136, Appendix B. See subsection (t) below.

b) Required sampling. Each supplier shall take a minimum of one sample at each sampling point at the times required in subsection (u) below.

c) Sampling points.

1) Sampling points for GWSs. Unless otherwise provided by SEP, a GWS supplier shall take at least one sample from each of the following points: each entry point that is representative of each well after treatment.

2) Sampling points for SWSs and mixed systems. Unless otherwise provided by SEP, a SWS or mixed system supplier shall sample from each of the following points:

A) Each entry point after treatment; or
B) Points in the distribution system that are representative of each source.

3) The supplier shall take each sample at the same sampling point unless the Agency has granted a SEP that designates another location as more representative of each source, treatment plant, or within the distribution system.

4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier shall sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) above derived from 40 CFR 141.24(f)(1) through (f)(3) (19931994).

d) Each CWS and NTCWS supplier shall take four consecutive quarterly samples for each of the Phase I VOCs, excluding vinyl chloride, and Phase II VOCs during each compliance period, beginning in the compliance period starting in the initial compliance period.

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- e) Reduction to annual monitoring frequency. If the initial monitoring for the Phase I, Phase II, and Phase V VOCs as allowed in subsection (r)(1) below has been completed by December 31, 1992, and the supplier did not detect any of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs, then the supplier shall take one sample annually beginning in the initial compliance period.
- f) GWS reduction to triennial monitoring frequency. After a minimum of three years of annual sampling, GWS suppliers that have not previously detected any of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs shall take one sample during each three-year compliance period.
- g) A CWS or NTNCWS supplier that has completed the initial round of monitoring required by subsection (d) above and which did not detect any of the Phase I VOCs, including vinyl chloride, Phase II, and Phase V VOCs may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from the requirements of subsection (e) or (f) above. A supplier that serves fewer than 3300 service connections may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from the requirements of subsection (d) above as to 1,2,4-trichlorobenzene.
- BOARD NOTE: Derived from 40 CFR 141.24(f)(7) and (f)(10) (#9911994), and the discussion at 57 Fed. Reg. 31825 (July 17, 1992). Provisions concerning the term of the waiver appear below in subsections (i) and (j) below. The definition of "detect", parenthetically added to the federal counterpart paragraph is in subsection (a) above.
- h) Vulnerability Assessment. The Agency shall consider the factors of Section 611.110(e) in granting a SEP from the requirements of subsections (d), (e), or (f) above sought pursuant to subsection (g) above.
- i) A SEP issued to a GWS pursuant to subsection (g) above is for a maximum of six years, except that a SEP as to the subsection (d) above monitoring for 1,2,4-trichlorobenzene shall apply only to the initial round of monitoring. As a condition of a SEP, except as to a SEP from the initial round of subsection (d) above monitoring for 1,2,4-trichlorobenzene, the supplier shall, within 30 months after the beginning of the period for which the waiver was issued, reconfirm its vulnerability assessment required by subsection (h) above and submitted pursuant to subsection (g) above, by taking one sample at each sampling point and reapplying for a SEP pursuant to subsection (g) above. Based on this application, the Agency shall either:
- 1) If it determines that the PWS meets the standard of Section 611.610(e), issue a SEP that reconfirms the prior SEP for the remaining three-year compliance period of the six-year maximum term; or,
 - 2) Issue a new SEP requiring the supplier to sample annually.
- BOARD NOTE: This provision does not apply to SWSs and mixed systems.
- j) Special considerations for SEPs for SWS and mixed systems.

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- 1) The Agency must determine that a SWS is not vulnerable before issuing a SEP pursuant to a SWS supplier. A SEP issued to a SWS or mixed system supplier pursuant to subsection (g) above is for a maximum of one compliance period; and
 - 2) The Agency may require, as a condition to a SEP issued to a SWS or mixed supplier, that the supplier take such samples for Phase I, Phase II, at such a frequency as the Agency determines are necessary, based on the vulnerability assessment.
- BOARD NOTE: There is a great degree of similarity between 40 CFR 141.24(f)(7), the provision applicable to GWSs, and 40 CFR 141.24(f)(10), the provision for SWSs. The Board has consolidated the common requirements of both paragraphs into subsection (g) above. Subsection (j) above represents the elements unique to SWSs and mixed systems, and subsection (i) above relates to GWSs. Although 40 CFR 141.24(f)(7) and (f)(10) are silent as to mixed systems, the Board has included mixed systems with SWSs because this best follows the federal scheme for all other contaminants.
- k) If one of the Phase I VOCs, excluding vinyl chloride, Phase II, or Phase V VOCs is detected in any sample, then:
- 1) The supplier shall monitor quarterly for that contaminant at each sampling point that resulted in a detection.
 - 2) Annual monitoring.
 - A) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annual at a sampling point if it determines that the sampling point is reliable and consistently below the MCL.
 - B) A request for a SEP must include the following minimal information:
 - i) For a GWS, two quarterly samples.
 - ii) For a SWS or mixed system, four quarterly samples.
 - C) In issuing a SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (k)(1) above if it violates the MCL specified by Section 611.311.
 - 3) Suppliers that monitor annually shall monitor during the quarter(s) that previously yielded the highest analytical result.
 - 4) Suppliers that do not detect a contaminant at a sampling point in three consecutive annual samples may apply to the Agency for a SEP pursuant to Section 611.110 that allows it to discontinue monitoring for that contaminant at that point, as specified in subsection (g) above.
 - 5) A GWS supplier that has detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) below shall monitor

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quarterly for vinyl chloride as described in subsection (k)(5)(B) below, subject to the limitation of subsection (k)(5)(C) below.

- A) Two-carbon contaminants (Phase I or II VOC):
1,2-Dichloroethane (Phase I)
1,1-Dichloroethylene (Phase I)
cis-1,2-Dichloroethylene (Phase II)
trans-1,2-Dichloroethylene (Phase II)
Tetrachloroethylene (Phase II)
1,1,1-Trichloroethylene (Phase I)
Trichloroethylene (Phase I)
- B) The supplier shall sample quarterly for vinyl chloride at each sampling point at which it detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) above.
- C) The Agency shall grant a SEP pursuant to Section 611.110 that allows the supplier to reduce the monitoring frequency for vinyl chloride at any sampling point to once in each three-year compliance period if it determines that the supplier has not detected vinyl chloride in first sample required by subsection (k)(5)(B) above.

- 1) Quarterly monitoring following MCL violations.

- 1) Suppliers that violate an MCL for one of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs, as determined by subsection (o) below, shall monitor quarterly for that contaminant, at the sampling point where the violation occurred, beginning the next quarter after the violation.

- 2) Annual monitoring.

- A) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annually if it determines that the sampling point is reliably and consistently below the MCL.
- B) A request for a SEP must include the following minimal information: four quarterly samples.
- C) In issuing a SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (l)(1) above if it violates the MCL specified by Section 611.311.

- D) The supplier shall monitor during the quarter(s) that previously yielded the highest analytical result.

m) Confirmation samples. The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.

- 1) If a supplier detects any of the Phase I, Phase II, or Phase V

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VOCs in a sample, the supplier shall take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.

- 2) Averaging is as specified in subsection (o) below.
- 3) The Agency shall delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.

- n) This subsection corresponds with 40 CFR 141.24(f)(14), an optional HSBPA U.S. EPA provision relating to compositing of samples that HSBPA U.S. EPA does not require for state programs. This statement maintains structural consistency with HSBPA U.S. EPA rules.

- o) Compliance with the MCLs for the Phase I, Phase II, and Phase V VOCs must be determined based on the analytical results obtained at each sampling point.

- 1) For suppliers that conduct monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.

- A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.

- B) If the initial sample or a subsequent sample would cause the annual average to exceed the MCL, then the supplier is out of compliance immediately.

- C) Any samples below the detection limit shall be deemed as zero for purposes of determining the annual average.

- 2) If monitoring is conducted annually, or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is taken, the determination of compliance is based on the average of two samples.

- 3) When the portion of the distribution system that is out of compliance is separable from other parts of the distribution system and has no interconnections, the supplier may issue the public notice required by Subpart T of this Part only to persons served by that portion of the distribution system that is not in compliance.

- p) Analyses for the Phase I, Phase II, and Phase V VOCs must be conducted using the following methods: these methods are contained in HSBPA Organic Methods incorporated by reference in Section 611.102. This provision corresponds with 40 CFR 141.24(f)(16) (1994), which U.S. EPA removed and reserved at 59 Fed. Reg. 62468 (Dec. 5, 1994). This statement maintains structural consistency with the federal regulations.

- 1) Method 502.1--uvfotite--Halogenated Organic Chemicals in Water by purge-and-trap Gas Chromatography.

- 2) Method 502.2--uvfotite-Chlorinated Compounds in Water by purge-and-trap Capillary Gas Chromatography with Phototization and Electrolytic Conductivity Detectors in Series.

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- 3+ ~~Method--503--it--volatile--aromatic--and--unsaturated--organic compounds--in--water--by--purge--and--trap--gas--chromatography--.~~
- 4+ ~~Method--524--it--measurement--of--purgeable--organic--compounds--in--water--by--purge--column--gas--chromatography/mass--spectrometry--.~~
- 5+ ~~Method--524--2--measurement--of--purgeable--organic--compounds--in--water--by--capillary--column--gas--chromatography/mass--spectrometry--.~~
- q) Analysis under this Section must only be conducted by laboratories that have received approval certification by USEPA U.S. EPA or the Agency according to the following conditions:
- 1) To receive conditional approval certification to conduct analyses for the Phase I VOCs, excluding vinyl chloride, Phase II VOCs, and Phase V VOCs, the laboratory must:
 - A) Analyze performance evaluation samples that include these substances provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c);
 - B) Achieve the quantitative acceptance limits under subsections (q)(1)(C) and (q)(1)(D) below for at least 80 percent of the Phase I VOCs, excluding vinyl chloride, Phase II VOCs, except vinyl chloride, or Phase V VOCs;
 - C) Achieve quantitative results on the analyses performed under subsection (q)(1)(A) above that are within ± 20 percent of the actual amount of the substances in the performance evaluation sample when the actual amount is greater than or equal to 0.010 mg/L;
 - D) Achieve quantitative results on the analyses performed under subsection (q)(1)(A) above that are within ± 40 percent of the actual amount of the substances in the performance evaluation sample when the actual amount is less than 0.010 mg/L; and
 - E) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102.
 - 2) To receive conditional approval certification to conduct analyses for vinyl chloride the laboratory must:
 - A) Analyze performance evaluation samples provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c);
 - B) Achieve quantitative results on the analyses performed under subsection (q)(2)(A) above that are within ± 40 percent of the actual amount of vinyl chloride in the performance evaluation sample;
 - C) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102; and
 - D) Obtain certification pursuant to subsection (q)(1) above for Phase I VOCs, excluding vinyl chloride, Phase II VOCs, and Phase V VOCs.
- r) Use of existing data.
- 1) The Agency shall allow the use of data collected after January 1,

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- 1988 but prior to the effective date of this Section, pursuant to Agency sample request letters, if it determines that the data are generally consistent with the requirements of this Section.
- 2) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to monitor annually beginning in the initial compliance period if it determines that the supplier did not detect any Phase I, Phase II, or Phase V VOC using existing data allowed pursuant to subsection (r)(1) above.
 - s) The Agency shall, by SEP, increase the number of sampling points or the frequency of monitoring if it determines that it is necessary to detect variations within the PWS.
 - t) Each laboratory approved certified for the analysis of Phase I, Phase II, or Phase V VOCs pursuant to subsection (q)(1) or (q)(2) above shall:
 - 1) Determine the method detection limit (MDL), as defined in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102, at which it is capable of detecting the Phase I, Phase II, and Phase V VOCs; and,
 - 2) Achieve an MDL for each Phase I, Phase II, and Phase V VOC that is less than or equal to 0.0005 mg/L.
 - u) Each supplier shall monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.
- BOARD NOTE: Derived from 40 CFR 141.24(f) (1993/1994).
- (Source: Amended at 19 Ill. Reg. _____, effective _____)
- Section 611.647 Sampling for Phase I Volatile Organic Contaminants (Repealed)
- ~~For--systems--in--operation--before--January--17--1993--for--purposes--of--initial monitoring--analysis--of--Phase--I--VOCs--for--purposes--of--determining--compliance with--the--MCLs--must--be--conducted--as--follows:~~
- a) ~~SGS--suppliers--shall--sample--at--entry--points--representative--of--each--well after--treatment--Sampling--must--be--conducted--at--the--same--location(s) or--more--representative--location(s)---every--three--months--for--one--year except--as--provided--in--subsection--(h)(1)---below~~
 - b) ~~SGS--and--mixed--system--suppliers--using--surface--water--shall--sample--at points--in--the--distribution--system--representative--of--each--source--or--at entry--points--to--the--distribution--system--after--any--application--of treatment--SGS--and--mixed--system--suppliers--shall--sample--each--water every--three--months--except--as--provided--in--subsection--(h)(2)---below. Sampling--must--be--conducted--at--the--same--location---or---a--more--representative--location--each--quarter.~~
 - c) ~~if--the--system--draws--water--from--more--than--one--source--and--sources--are combined--before--distribution--the--supplier--shall--sample--at--an--entry point--to--the--distribution--system--during--periods--of--normal--operating conditions:~~
 - d) ~~time--for--sampling--~~

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- 1) All CWS and NNWS suppliers serving more than 37300 people shall analyze all distribution or entry point samples as appropriate representing all source waters.
- 2) All other CWS and NNWS suppliers shall analyze distribution or entry point samples as required in this paragraph representing all source waters beginning no later than January 17, 1991. If the results exceed the MGB, the CWS or NNWS supplier shall initiate three additional analyses at the same sampling point within one month. The sample results must be averaged with the first sampling result and used for compliance determination in accordance with subsection (f) below. The Agency shall delete results of obvious sampling errors from this calculation.
- 3) Analytes for vinyl chloride is required only for groundwater systems that have detected one or more of the following: two carbon organic compounds, butchloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene or 1,1-dichloroethylene. The analytes for vinyl chloride is required at each distribution or entry point at which one or more of the two carbon organic compounds were found. If the first analysis does not detect vinyl chloride, the Agency shall reduce the frequency of vinyl chloride monitoring to once every three years for that sample location or other sample locations that are more representative of the same source.
- 4) The Agency or suppliers may composite up to five samples from one or more supplies. Compositing of samples is to be done in the laboratory or the procedures listed below. Samples must be analyzed within 14 days of collection. If any of the Phase I-VGS is detected in the original composite sample a sample from each source that made up the composite sample must be reanalyzed individually within fourteen days from sampling. The sample for reanalysis cannot be the original sample but can be a duplicate sample. If duplicates of the original sample are not available, reanalysis must be taken from each source used in the original composite and analyzed for the Phase I-VGS. Reanalysis must be accomplished within fourteen days of the second sample. No composite sampler the following procedure must be followed:
- 1) Compositing samples prior to GC-MS analysis.
- A) Add 5 ml or equal target amounts of each sample (up to 5 samples) are allowed to be in 25 ml glass syringe. Special precautions must be made to maintain zero headspace in the syringe.
- B) The samples must be cooled to -40°C during this step to minimize volatilization losses.
- C) Mix well and draw out 5 ml aliquot for analysis.
- D) Follow sample introduction, purging and desorption steps described in the method.
- E) If less than five samples are used for compositing a proportionately smaller syringe may be used.

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- 2) Compositing samples prior to GC-MS analysis:
- A) Inject 5 ml or equal target amounts of each aqueous sample (up to 5 samples) are allowed into a 25 ml purging device using the sample introduction technique described in the method.
- B) The total volume of the sample in the purging device must be 25 ml.
- C) Purge and desorb as described in the method.
- D) This subsection corresponds with 40 CFR 41.247(f) the effectiveness of which expired on January 17, 1993. Although USBPA has not repealed this provision, the Board has done so to avoid confusion. This statement maintains structural integrity with USBPA rules.
- E) Compliance with Section 61.414(f) is determined based on the results of running annual average of quarterly sampling for each sampling location. If one location's average is greater than the MGB, then the CWS or NNWS is deemed to be out of compliance. If a CWS or NNWS has a distribution system with no interconnections only that part of the system that exceeds any MGB as specified in Section 61.414(f) is deemed out of compliance. The Agency shall by SP2 reduce the public notice requirement to that portion of the CWS that is out of compliance. If any one sample result would cause the annual average to be exceeded then the CWS is deemed to be out of compliance immediately. For CWS suppliers that only take on sample production because none of the Phase I-VGS are detected compliance is assessed on that one sample.
- 3) Analytes under this Section must be conducted using the following methods or alternatives approved pursuant to Section 61.410. These methods are contained in USBPA Organics Methods incorporated by reference in Section 61.412:
- 1) Method 502.11
- 2) Method 503.11
- 3) Method 524.11
- 4) Method 524.21
- 5) Method 502.21
- 4) Analytes under this Section must only be conducted by laboratories that have received conditional approval by the Agency pursuant to Section 61.410 according to the following conditions:
- 1) To receive conditional approval to conduct analyses on these Phase I-VGS, except vinyl chloride, the laboratory shall:
- A) Analyze performance evaluation samples that are included in these substances provided by the Agency pursuant to 35 Ill. Adm. Code 109.24(c)(3).
- B) Achieve the quantitative compliance limits under subsection (f)(4)(E) or (4)(f)(B) below for at least six of the Phase I-VGS except vinyl chloride.
- C) Achieve quantitative results on the analytes performed under subsection (4)(f)(4) above that are within 20 percent of

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the actual amount of the substances in the performance evaluation sample when the actual amount is greater than or equal to 0.019 mg/l.

B) Achieve quantitative results on the analyses performed under subsection (k)(1)(A) above that are within +40 percent of the actual amount of the substances in the performance evaluation sample when the actual amount is less than 0.019 mg/l.

B) Achieve a method detection limit of 0.0005 mg/l according to the procedures in 40 CFR 1367 App. B incorporated by reference in Section 611.102.

F) Be currently approved by the Agency for the analyses of THMs under Subpart B of this Part.

2) To receive conditional approval for vinyl chloride, the laboratory shall:

A) Analyze performance evaluation samples provided by the Agency (See 35 Ill. Adm. Code 103.125(c)(3)).

B) Achieve quantitative results on the analyses performed under subsection (k)(2)(A) above that are within +40 percent of the actual amount of vinyl chloride in the performance evaluation sample.

C) Achieve a method detection limit of 0.0005 mg/l according to the procedures in 40 CFR 1367 App. B incorporated by reference in Section 611.102.

B) Receive approval or be currently approved by the Agency under subsection (k)(1) above.

I) The Agency shall, by SEB, increase required monitoring where it determines that it is necessary to do so to detect variations within the CWS.

M) This subsection corresponds with 40 CFR 141.24(g)(14), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.

N) Each approved laboratory shall determine the method detection limit (MDL) as defined in 40 CFR 1367 App. B incorporated by reference in Section 611.102 at which it is capable of detecting each of the Phase I VOCs. The acceptable MDL is 0.0005 mg/l. This concentration is the detection level for purposes of subsections (e)(1)(4) and (f) above.

BOARD NOTE: Derived from 40 CFR 141.24(g)-(1992).

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 611.648 Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants

Analysis of the Phase II, Phase IIB, and Phase V SOCs for the purposes of

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determining compliance with the MCL must be conducted as follows:

a) Definitions. As used in this Section:

"Detect or detection" means that the contaminant of interest is present at a level greater than or equal to the "detection limit".

"Detection limit" means the level of the contaminant of interest that is specified in subsection (r) below.

BOARD NOTE: This is a "trigger level" for Phase II, Phase IIB, and Phase V SOCs inasmuch as it prompts further action. The use of the term "detect" or "detection" in this section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "method detection limit".

b) Required sampling. Each supplier shall take a minimum of one sample at each sampling point at the times required in subsection (g) below.

BOARD NOTE: USEPA U.S. EPA stayed the effective date of the MCLs for aldicarb, aldicarb sulfone, and aldicarb sulfide at 57 Fed. Reg. 22178 (May 27, 1991). Section 611.311(c) includes this stay. However, despite the stay of the effectiveness of the MCLs for these three SOCs, suppliers must monitor for them.

c) Sampling points.

1) Sampling points for GWSs. Unless otherwise provided by SEP, a GWS supplier shall take at least one sample from each of the following points: each entry point that is representative of each well after treatment.

2) Sampling points for SWS and mixed systems. Unless otherwise provided by SEP, a SWS or mixed system supplier shall sample from each of the following points:

A) Each entry point after treatment; or
B) Points in the distribution system that are representative of each source.

3) The supplier shall take each sample at the same sampling point unless the Agency has granted a SEP that designates another location as more representative of each source, treatment plant, or within the distribution system.

4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier shall sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) above derived from 40 CFR 141.24(h)(1) through (h)(3) (1993/94).

d) Monitoring frequency:

1) Each CWS and NTNWS supplier shall take four consecutive quarterly samples for each of the Phase II, Phase IIB, and Phase V SOCs during each compliance period, beginning in the three-year compliance period starting in the initial compliance period.

2) Suppliers serving more than 3,300 persons that do not detect a contaminant in the initial compliance period, shall take a

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- minimum of two quarterly samples in one year of each subsequent three-year compliance period.
- 3) Suppliers serving less than or equal to 3,300 persons that do not detect a contaminant in the initial compliance period, shall take a minimum of one sample during each subsequent three-year compliance period.
- e) Reduction to annual monitoring frequency. A CWS or NTNCWS supplier may apply to the Agency for a SEP that releases it from the requirements of subsection (d) above. A SEP from the requirement of subsection (d) above shall last for only a single three-year compliance period.
- f) Vulnerability Assessment. The Agency shall grant a SEP from the requirements of subsection (d) above based on consideration of the factors set forth at Section 611.110(e).
- g) If one of the Phase II, Phase IIB, or Phase V SOCs is detected in any sample, then:
- 1) The supplier shall monitor quarterly for the contaminant at each sampling point that resulted in a detection.
 - 2) Annual monitoring.
 - A) A supplier may request that the Agency grant a SEP pursuant to Section 610.110 that reduces the monitoring frequency to annual.
 - B) A request for a SEP must include the following minimal information:
 - i) For a CWS, two quarterly samples.
 - ii) For a SWS or mixed system, four quarterly samples.
 - C) The Agency shall grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.
 - D) In issuing the SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (g)(1) above if it detects any Phase II SOC.
 - 3) Suppliers that monitor annually shall monitor during the quarter(s) that previously yielded the highest analytical result.
 - 4) Suppliers that have three consecutive annual samples with no detection of a contaminant at a sampling point may apply to the Agency for a SEP with respect to that point, as specified in subsections (e) and (f) above.
 - 5) Monitoring for related contaminants.
 - A) If monitoring results in detection of one or more of the related contaminants listed in subsection (g)(5)(B) below, subsequent monitoring shall analyze for all the related compounds in the respective group.
 - B) Related contaminants:

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- i) first group:
 - aidicarb
 - aidicarb sulfone
 - aidicarb sulfoxide
- ii) second group:
 - heptachlor
 - heptachlor epoxide.
- h) Quarterly monitoring following MCL violations.
 - 1) Suppliers that violate an MCL for one of the Phase II, Phase IIB, or Phase V SOCs, as determined by subsection (k) below, shall monitor quarterly for that contaminant at the sampling point where the violation occurred, beginning the next quarter after the violation.
 - 2) Annual monitoring.
 - A) A supplier may request that the Agency grant a SEP pursuant to Section 611.110 that reduces the monitoring frequency to annual.
 - B) A request for a SEP must include, at a minimum, the results from four quarterly samples.
 - C) The Agency shall grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.
 - D) In issuing the SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (h)(1) above if it detects any Phase II SOC.
 - E) The supplier shall monitor during the quarter(s) that previously yielded the highest analytical result.
- i) Confirmation samples.
 - 1) If any of the Phase II, Phase IIB, or Phase V SOCs are detected in a sample, the supplier shall take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.
 - 2) Averaging is as specified in subsection (k) below.
 - 3) The Agency shall delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.
- j) This subsection corresponds with 40 CFR 141.24(h)(10), an optional USEPA U.S. EPA provision relating to compositing of samples that USEPA U.S. EPA does not require for state programs. This statement maintains structural consistency with USEPA U.S. EPA rules.
- k) Compliance with the MCLs for the Phase II, Phase IIB, and Phase V SOCs shall be determined based on the analytical results obtained at each sampling point.

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1) For suppliers that are conducting monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.

A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.

B) If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the supplier is out of compliance immediately.

C) Any samples below the detection limit must be calculated as zero for purposes of determining the annual average.

2) If monitoring is conducted annually or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is taken, the determination of compliance is based on the average of two samples.

3) When the portion of the distribution system that is out of compliance is separable from other parts of the distribution system and has no interconnections, the supplier may issue the public notice required by Subpart T of this Part is only to persons served by that portion of the distribution system that is not in compliance.

BOARD NOTE: Derived from 40 CFR 141.24(h)(11) (1993/1994).

1) Analysis for Phase I, Phase II, and Phase V SDCs must be conducted using the following methods. These methods, except for USEPA--Dioxin and Furan--Method--1637, are contained in USEPA--Organic Methods--All methods are incorporated by reference in Section--611.402. This provision corresponds with 40 CFR 141.24(h)(12) (1994), which U.S. EPA removed and reserved at 59 Fed. Reg. 62468 (Dec. 5, 1994). This statement maintains structural consistency with the federal regulations.

1) Method-----504-----1,2-Dibromoethane-----{BBB}-----and
1,2-Dibromo-3-chloropropane--{BBP}--in--Water--by--Microextraction
and--Gas--Chromatography--Method--504--can--be--used--to--measure
1,2-Dibromo-3-chloropropane--{dibromochloropropane--or--BBP--and
1,2-Dibromoethane--{ethylene-dibromide--or--EBB}.

2) Method--505--"Analysis of Organohalide Pesticides and Commercial
Polychlorinated Biphenyl Products--{Aroclors}--in--Water--by
Microextraction--and--Gas--Chromatography"--Method--505--can--be--used
to--measure--a--chlorine--at--tracer--chlorinated--BBP--diethyl--and--dinitr
heptachlor--heptachlor--epoxide--hexachlorobenzene
hexachlorocyclopentadiene--lindane--methoxychlor--simazine--and
toxaphene--Method--505--can--be--used--as--a--screen--for--PCBs.

3) Method-----507-----"Determination of-----Nitrogen-----and
Phosphorus--Containing--Pesticides-----in-----Ground-----Water-----by--Gas
Chromatography--with--a--Nitrogen--Phosphorus--Detector"--Method--507
can--be--used--to--measure--at--chlorine--at--tracer--and--simazine.

4) Method--508--"Determination of Chlorinated Pesticides in Water by
Gas--Chromatography--with--an--Electron--Capture--Detector"--Method

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508--can--be--used--to--measure--chlorinated--BBP--diethyl--and--dinitr
heptachlor--heptachlor--epoxide--hexachlorobenzene--lindane
methoxychlor--and--toxaphene--Method--508--can--be--used--as--a--screen
for--PCBs.

5) Method--508A--"Screening--for--Polychlorinated Biphenyls--by
Pechlorination--and--Gas--Chromatography"--Method--508A--is--used--to
quantitate--PCBs--as--dechlorobiphenyls--detected--in--Method--505
or--508.

6) Method--515--"Revision--5-0--{May--1991}--"Determination--of
Chlorinated Acids in Water by Gas Chromatography with an Electron
Capture--Detector"--Method--515--can--be--used--to--measure--2,4-Di
dinitro--dinitro--pentachlorophenol--picloram--and--2,4,5-TP
{Silver}.

7) Method--525--"Revision--3-0--{May--1991}--"Determination--of
Organic Compounds in Drinking Water by Liquid Solid--Extraction
and--Capillary--Column--Gas--Chromatography--Mass--Spectrometry"
Method--525--can--be--used--to--measure--dichloro--at--tracer--chlorinated
di-2-ethylhexyl--diacetate--di-2-ethyl-hexyl-phosphate--and--dinitr
heptachlor--heptachlor--epoxide--hexachlorobenzene--and
hexachlorocyclopentadiene--lindane--methoxychlor--simazine
pentachlorophenol--polynuclear--aromatic--hydrocarbons--simazine
and--toxaphene.

8) Method--531--"Measurement of--N-Methyl--Carbamoylates--and
N-Methyl--Carbamates--in--Water--by--Direct--Injection--HPLC
with--Post--Column--Derivatization"--Method--531--can--be--used--to
measure--dicarb--dicarb--sulfoxide--dicarb--sulfonate--and
carbofuran--and--cyanur.

9) USEPA--Dioxin--and--Furan--Method--1637--"Water--through--Octa-
chlorinated--Biphenyls--and--Furans--by--Isotope--Dilution"--Method--1637
can--be--used--to--measure--2,3,7,8-TCDF--{toxin}.

10) Method--547--"Analysis of Glyphosate in Drinking Water by Direct
Injection--HPLC--with--Post--Column--Derivatization"
Aqueous--Injection--HPLC--Method--547--can--be--used--to--measure
available--from--USEPA--OSI--Method--547--can--be--used--to--measure
glyphosate.

11) Method--548--"Determination of--Endothal--in--Aqueous--Samples"
Method--548--can--be--used--to--measure--endothal.

12) Method--549--"Determination of--Biquate--and--Resequat--in--Drinking
Water--by--High--Performance--Liquid--Chromatography--with--Fluorescence
Detection"--Method--549--can--be--used--to--measure--Biquate

13) Method--550--"Determination of Polycyclic Aromatic Hydrocarbons in
Drinking Water by Liquid--Liquid--Extraction--and--HPLC--with--Coupled
Ultraviolet--and--Fluorescence Detection"--Method--550--can--be--used
to--measure--benzo--{a}--pyrene--and--other--polynuclear--aromatic
hydrocarbons.

14) Method--550A--"Determination of Polycyclic Aromatic Hydrocarbons
in--Drinking--Water--by--Liquid--Solid--Extraction--and--HPLC--with
Coupled--Ultraviolet--and--Fluorescence Detection"--Method--550A--can
be--used--to--measure--benzo--{a}--pyrene--and--other--polynuclear--aromatic

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hydrocarbons-

- m) Analysis for PCBs must be conducted as follows using the methods in Section 611.645:

- 1) Each supplier that monitors for PCBs shall analyze each sample using either HS-EPA U.S. EPA Organic Methods, Method 505 or Method 508.
- 2) If PCBs are detected in any sample analyzed using USEPA U.S. EPA Organic Methods, Methods 505 or 508, the supplier shall reanalyze the sample using 508A to quantitate the individual Aroclors (as decachlorobiphenyl).
- 3) Compliance with the PCB MCL must be determined based upon the quantitative results of analyses using USEPA U.S. EPA Organic Methods, Method 508A.

n) Use of existing data.

- 1) The Agency shall allow the use of data collected after January 1, 1990 but prior to the effective date of this Section, pursuant to Agency sample request letters, if it determines that the data are generally consistent with the requirements of this Section.
- 2) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to monitor annually beginning in the initial compliance period if it determines that the supplier did not detect any Phase I VOC or Phase II VOC using existing data allowed pursuant to subsection (n)(1) above.

- o) The Agency shall issue a SEP that increases the number of sampling points or the frequency of monitoring if it determines that this is necessary to detect variations within the PWS due to such factors as fluctuations in contaminant concentration due to seasonal use or changes in the water source.

BOARD NOTE: At 40 CFR 141.24(h)(15), USEPA U.S. EPA uses the stated factors as non-limiting examples of circumstances that make additional monitoring necessary.

- p) This subsection corresponds with 40 CFR 141.24(h)(16), a USEPA U.S. EPA provision that the Board has not adopted because it reserves enforcement authority to the state and would serve no useful function as part of the state's rules. This statement maintains structural consistency with USEPA U.S. EPA rules.

- q) Each supplier shall monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.

- r) "Detection" means greater than or equal to the following concentrations for each contaminant:

- 1) for PCBs (Aroclors):

Aroclor	Detection Limit (mg/L)
1016	0.00008
1221	0.02
1232	0.0005
1242	0.0003

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- 2) for other Phase II, Phase IIB, and Phase V SOCs:

Contaminant	Detection Limit (mg/L)
1248	0.0001
1254	0.0001
1260	0.0002
Alachlor	0.0002
Aldicarb	0.0005
Aldicarb sulfoxide	0.0005
Aldicarb sulfone	0.0008
Atrazine	0.0001
Benzo(a)pyrene	0.00002
Carbofuran	0.0009
Chlordane	0.0002
2,4-D	0.0001
Dalapon	0.001
Dibromochloropropane (DBCP)	0.0002
Di(2-ethylhexyl)adipate	0.0006
Di(2-ethylhexyl)phthalate	0.0006
Dinoseb	0.0002
Diquat	0.0004
Endothall	0.009
Endrin	0.00001
Ethylene dibromide (EDB)	0.0001
Glyphosate	0.006
Heptachlor	0.00004
Heptachlor epoxide	0.0002
Hexachlorobenzene	0.0001
Hexachlorocyclopentadiene	0.0001
Lindane	0.00002
Methoxychlor	0.0001
Oxamyl	0.002
Picloram	0.0001
Polychlorinated biphenyls (PCBs) (as decachlorobiphenyl)	0.0001
Pentachlorophenol	0.00004
Simazine	0.00007
Toxaphene	0.001
2,3,7,8-TCDD (dioxin)	0.000000005
2,4,5-TP (Silvex)	0.0002

s) Laboratory Certification.

- 1) Analyses under this Section must only be conducted by laboratories that have received approval by USEPA U.S. EPA or the Agency according to the following conditions.
- 2) To receive certification to conduct analyses for the Phase II, Phase IIB, and Phase V SOCs the laboratory must:
 - A) Analyze performance evaluation samples provided by the

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Agency pursuant to 35 Ill. Adm. Code 183.125(c) that include these substances; and

- B) Achieve quantitative results on the analyses performed under subsection (s)(2)(A) above that are within the acceptance limits set forth in subsection (s)(2)(C) below.

- C) Acceptance limits:

SOC Acceptance Limits

Alachlor	+ 45%
Aldicarb	2 standard deviations
Aldicarb sulfone	2 standard deviations
Aldicarb sulfoxide	2 standard deviations
Atrazine	+ 45%
Benzo(a)pyrene	2 standard deviations
Carbofuran	+ 45%
Chlordane	+ 45%
Dalapon	2 standard deviations
Di(2-ethylhexyl)adipate	2 standard deviations
Di(2-ethylhexyl)phthalate	2 standard deviations
Dinoseb	2 standard deviations
Diquat	2 standard deviations
Endothall	2 standard deviations
Endrin	+ 30%
Glyphosate	2 standard deviations
Dibromochloropropane (DBCP)	+ 40%
Ethylene dibromide (EDB)	+ 40%
Heptachlor	+ 45%
Heptachlor epoxide	+ 45%
Hexachlorobenzene	2 standard deviations
Hexachlorocyclopentadiene	2 standard deviations
Lindane	+ 45%
Methoxychlor	+ 45%
Oxamyl	2 standard deviations
PCBs (as Decachlorobiphenyl)	0-200%
Pentachlorophenol	+ 50%
Picloram	2 standard deviations
Simazine	2 standard deviations
Toxaphene	+ 45%
2,4-D	+ 50%
2,3,7,8-TCDD (dioxin)	2 standard deviations
2,4,5-TP (Silvex)	+ 50%

BOARD NOTE: Derived from 40 CFR 141.24(h) (19931994), as amended at 59 Fed. Reg. 62468 (Dec. 5, 1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.685 Analytical Methods

Sampling and analyses made pursuant to this Subpart must be conducted by one of the following total trihalomethanes (THM) methods incorporated by reference in Section 611.102: as directed in Section 611.645 and in "Technical Notes on Drinking Water Methods", incorporated by reference in Section 611.102. For the methods cited in subsections (a) and (b) above, see 40 CFR 141, subpart C, appendix C, incorporated by reference in Section 611.102.

- a) ~~volatile organic compounds in drinking water by the purge-and-trap method, U.S. EPA Organic Methods Method 501.1;~~
- b) ~~the analysis of trihalomethanes in drinking water by liquid-liquid extraction, U.S. EPA Organic Methods Method 501.2; Samples for THM must be dechlorinated upon collection to prevent further production of trihalomethanes according to the procedures described in the above two methods; Samples for maximum THM potential must be dechlorinated and must be held for seven days at 25 degrees C for above two methods;~~
- c) ~~volatile organic compounds in water by purge-and-trap capillary gas chromatography with photoionization and electrolytic conductivity detector in Series U.S. EPA Organic Methods (July 1991 revision) Method 502.2;~~
- d) ~~volatile organic chemicals in water by purge-and-trap capillary gas chromatography/mass spectrometry, U.S. EPA Organic Methods (July 1991 revision) Method 524.2;~~
- e) ~~for the methods cited in subsections (a) and (b) above see 40 CFR 141.102; Samples for THM must be dechlorinated upon collection to prevent further production of trihalomethanes according to the procedures described in the above two methods; Samples for maximum THM potential must be dechlorinated and must be held for seven days at 25 degrees C (or above) prior to analysis according to the procedures described in the above two methods;~~

BOARD NOTE: Derived from 40 CFR 141.30(e) (19931994), as amended at 59 Fed. Reg. 62469 (Dec. 5, 1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART T: REPORTING, PUBLIC NOTIFICATION AND RECORDKEEPING

Section 611.860 Record Maintenance

A supplier shall retain on its premises or at a convenient location near its premises the following records:

- a) Records of bacteriological analyses made pursuant to this Part must be

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kept for not less than 5 years. Records of chemical analyses made pursuant to this Part must be kept for not less than 10 years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

- 1) The date, place and time of sampling, and the name of the person who collected the sample;

- 2) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or process water sample or other special purpose sample;

- 3) Date of analysis;

- 4) Laboratory and person responsible for performing analysis;

- 5) The analytical technique or method used; and

- 6) The results of the analysis.

- b) Records of action taken by the PWS to correct violations of this Part must be kept for a period not less than 3 years after the last action taken with respect to the particular violation involved.

- c) Copies of any written reports, summaries or communications relating to sanitary surveys of the system conducted by the PWS itself, by a private consultant, by USEPA U.S. EPA, the Agency or a unit of local government delegated pursuant to Section 611.108, must be kept for a period not less than 10 years after completion of the sanitary survey involved.

- d) Records concerning a variance or adjusted standard granted to the supplier must be kept for a period ending not less than 5 years following the expiration of such variance or adjusted standard.

BOARD NOTE: Derived from 40 CFR 141.33 (19891994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 611.APPENDIX A Mandatory Health Effects Information

- 1) Trichloroethylene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that trichloroethylene is a health concern at certain levels of exposure. This chemical is a common metal cleaning and dry cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. U.S. EPA has set forth the enforceable drinking water standard for trichloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

- 2) Carbon tetrachloride. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that carbon tetrachloride is a health concern at certain levels of exposure. This chemical was once a popular household cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. U.S. EPA has set the enforceable drinking water standard for carbon tetrachloride at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

- 3) 1,2-Dichloroethane. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that 1,2-dichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaning fluid for fats, oils, waxes and resins. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals may also increase the risk of cancer in humans who are exposed at lower levels over long periods of time. U.S. EPA has set the enforceable drinking water standard for 1,2-dichloroethane at

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0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

4) Vinyl chloride. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that vinyl chloride is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been associated with significantly increased risks of cancer among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. U.S. EPA has set the enforceable drinking water standard for vinyl chloride at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

5) Benzene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that benzene is a health concern at certain levels of exposure. This chemical is used as a solvent and degreaser of metals. It is also a major component of gasoline. Drinking water contamination generally results from leaking underground gasoline and petroleum tanks or improper waste disposal. This chemical has been associated with significantly increased risks of leukemia among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. U.S. EPA has set the drinking water standard for benzene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

6) 1,1-Dichloroethylene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that 1,1-dichloroethylene is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. U.S. EPA has set the enforceable drinking water standard for 1,1-dichloroethylene at 0.007 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

7) Para-dichlorobenzene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that para-dichlorobenzene is a health concern at certain levels of exposure. This chemical is a component of deodorizers, moth balls and pesticides. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals which cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. U.S. EPA has set the enforceable drinking water standard for para-dichlorobenzene at 0.075 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

8) 1,1,1-Trichloroethane. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that 1,1,1-trichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaner and degreaser of metals. It generally gets into drinking water by improper waste disposal. This chemical has been shown to damage the liver, nervous system and circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the liver, nervous system and circulatory system. Chemicals which

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cause adverse effects among exposed industrial workers and in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. U.S. EPA has set the enforceable drinking water standard for 1,1,1-trichloroethane at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

9) Fluoride. The U.S. Environmental Protection Agency requires that we send you this notice on the level of fluoride in your drinking water. The drinking water in your community has a fluoride concentration of _____ milligrams per liter (mg/L). Federal regulations require that fluoride, which occurs naturally in your water supply, not exceed a concentration of 4.0 mg/L in drinking water. This is an enforceable standard called a Maximum Contaminant Level (MCL), and it has been established to protect the public health. Exposure to drinking water levels above 4.0 mg/L for many years may result in some cases of crippling skeletal fluorosis, which is a serious bone disorder.

Federal law also requires that we notify you when monitoring indicates that the fluoride in your drinking water exceeds 2.0 mg/L. This is intended to alert families about dental problems that might affect children under nine years of age. The fluoride concentration of your water exceeds this federal guideline.

Fluoride in children's drinking water at levels of approximately 1 mg/L reduces the number of dental cavities. However, some children exposed to levels of fluoride greater than about 2.0 mg/L may develop dental fluorosis. Dental fluorosis, in its moderate and severe forms, is a brown staining and/or pitting of the permanent teeth.

Because dental fluorosis occurs only when developing teeth (before they erupt from the gums) are exposed to elevated fluoride levels, households without children are not expected to be affected by this level of fluoride. Families with children under the age of nine are encouraged to seek other sources of drinking water for their children to avoid the possibility of staining and pitting.

Your water supplier can lower the concentration of fluoride in your water so that you will still receive the benefits of cavity prevention while the possibility of stained and pitted teeth is minimized. Removal of fluoride may increase your water costs. Treatment systems are also commercially available for home use. Information on such systems is available at the address given below. Low fluoride bottled drinking water that would meet all standards is also commercially available.

For further information, contact _____ at your water system.

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BOARD NOTE: Derived from 40 CFR 141.32(e)(9) and 143.5 (1992-1994).

10) Microbiological contaminants (for use when there is a violation of the treatment technique requirements for filtration and disinfection in Subpart B of this Part). The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that the presence of microbiological contaminants are a health concern at certain levels of exposure. If water is inadequately treated, microbiological contaminants in that water may cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. U.S. EPA has set enforceable requirements for treating drinking water to reduce the risk of these adverse health effects. Treatment such as filtering and disinfecting the water removes or destroys microbiological contaminants. Drinking water which is treated to meet U.S. EPA requirements is associated with little to none of this risk and should be considered safe.

11) Total coliforms. (To be used when there is a violation of Section 611.325(a) and not a violation of Section 611.325(b)). The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that the presence of total coliforms is a possible health concern. Total coliforms are common in the environment and are generally not harmful themselves. The presence of these bacteria in drinking water, however, generally is a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice, and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. U.S. EPA has set an enforceable drinking water standard for total coliforms to reduce the risk of these adverse health effects. Under this standard, no more than 5.0 percent of the samples collected during a month can contain these bacteria, except that systems collecting fewer than 40 samples/month that have one total coliform-positive sample per month are not violating the standard. Drinking water which meets this standard is usually not associated with a health risk from disease-causing bacteria and should be considered safe.

12) Fecal Coliforms/E. coli. (To be used when there is a violation of Section 611.325(b) or both Section 611.325(a) and (b)). The United States Environmental Protection Agency (U.S. EPA) sets

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drinking water standards and has determined that the presence of fecal coliforms or *E. coli* is a serious health concern. Fecal coliforms and *E. coli* are generally not harmful themselves, but their presence in drinking water is serious because they usually are associated with sewage or animal wastes. The presence of these bacteria in drinking water is generally a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice, and associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. U.S. EPA has set an enforceable drinking water standard for fecal coliforms and *E. coli* to reduce the risk of these adverse health effects. Under this standard all drinking water samples must be free of these bacteria. Drinking water which meets this standard is associated with little or none of this risk and should be considered safe. State and local health authorities recommend that consumers take the following precautions: [To be inserted by the public water system, according to instruction from State or local authorities].

- 13) Lead. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that lead is a health concern at certain exposure levels. Materials that contain lead have frequently been used in the construction of water supply distribution systems, and plumbing systems in private homes and other buildings. The most commonly found materials include service lines, pipes, brass and bronze fixtures, and solder and fluxes. Lead in these materials can contaminate drinking water as a result of the corrosion that takes place when water comes into contact with those materials. Lead can cause a variety of adverse health effects in humans. At relatively low levels of exposure, these effects may include interference with red blood cell chemistry, delays in normal physical and mental development in babies and young children, slight deficits in the attention span, hearing, and learning abilities of children, and slight increases in blood pressure of some adults. U.S. EPA's national primary drinking water regulation requires all public water systems to optimize corrosion control to minimize lead contamination resulting from the corrosion of plumbing materials. Public water systems serving 50,000 people or fewer that have lead concentrations below 15 parts per billion (ppb) in more than 90% of tap water samples (the U.S. EPA "action level") have optimized their corrosion control treatment. Any water system that exceeds the action level must also monitor their source water to determine whether treatment to remove lead in source water is needed. Any

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water system that continues to exceed the action level after installation of corrosion control and/or source water treatment must eventually replace all lead service lines contributing in excess of 15 ppb of lead to drinking water. Any water system that exceeds the action level must also undertake a public education program to inform consumers of ways they can reduce their exposure to potentially high levels of lead in drinking water.

- 14) Copper. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that copper is a health concern at certain exposure levels. Copper, a reddish-brown metal, is often used to plumb residential and commercial structures that are connected to water distribution systems. Copper contaminating drinking water as a corrosion by-product occurs as the result of the corrosion of copper pipes that remain in contact with water for a prolonged period of time. Copper is an essential nutrient, but at high doses it has been shown to cause stomach and intestinal distress, liver and kidney damage, and anemia. Persons with Wilson's disease may be at a higher risk of health effects due to copper than the general public. U.S. EPA's national primary drinking water regulation requires all public water systems to install optimal corrosion control to minimize copper contamination resulting from the corrosion of plumbing materials. Public water systems serving 50,000 people or fewer that have copper concentrations below 1.3 parts per million (ppm) in more than 90% of tap water samples (the U.S. EPA "action level") are not required to install or improve their treatment. Any water system that exceeds the action level must also monitor their source water to determine whether treatment to remove copper in source water is needed.

- 15) Asbestos. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that asbestos fibers greater than 10 micrometers in length are a health concern at certain levels of exposure. Asbestos is a naturally occurring mineral. Most asbestos fibers in drinking water are less than 10 micrometers in length and occur in drinking water from natural sources and from corroded asbestos-cement pipes in the distribution system. The major uses of asbestos were in the production of cements, floor tiles, paper products, paint, and caulking, in transportation-related applications; and in the production of textiles and plastics. Asbestos was once a popular insulating and fire retardant material. Inhalation studies have shown that various forms of asbestos have produced lung tumors in laboratory animals. The available information on the risk of developing gastrointestinal tract cancer associated with the ingestion of asbestos from drinking water is limited. Ingestion of intermediate-range chrysotile asbestos fibers greater than 10 micrometers in length

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is associated with causing benign tumors in male rats. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for asbestos at 7 million long fibers per liter to reduce the potential risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets the U.S. EPA standard is associated with little to none of this risk and should be considered safe with respect to asbestos.

16) Barium. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that barium is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in some aquifers that serve as sources of ground-water. It is also used in oil and gas drilling muds, automotive paints, bricks, tiles, and jet fuels. It generally gets into drinking water after dissolving from naturally occurring minerals in the ground. This chemical may damage the heart and vascular system, and is associated with high blood pressure in laboratory animals such as rats exposed to high levels during their lifetimes. In humans, U.S. EPA believes that affects from barium on blood pressure should not occur below 2 parts per million (ppm) in drinking water. U.S. EPA has set the drinking water standard for barium at 2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to barium.

17) Cadmium. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that cadmium is a health concern at certain levels of exposure. Food and the smoking of tobacco are common sources of general exposure. This inorganic metal is a contaminant in the metals used to galvanize pipe. It generally gets into water by corrosion of galvanized pipes or by improper waste disposal. This chemical has been shown to damage the kidney in animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the kidney. U.S. EPA has set the drinking water standard for cadmium at 0.005 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to cadmium.

18) Chromium. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that chromium is a health concern at certain levels of exposure. This inorganic metal occurs naturally in the ground and is often used

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in the electroplating of metals. It generally gets into water from runoff from old mining operations and improper waste disposal from plating operations. This chemical has been shown to damage the kidney, nervous system, and the circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels. Some humans who were exposed to high levels of this chemical suffered liver and kidney damage, dermatitis and respiratory problems. U.S. EPA has set the drinking water standard for chromium at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to chromium.

19) Mercury. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that mercury is a health concern at certain levels of exposure. This inorganic metal is used in electrical equipment and some water pumps. It usually gets into water as a result of improper waste disposal. This chemical has been shown to damage the kidney of laboratory animals such as rats when the animals are exposed at high levels over their lifetimes. U.S. EPA has set the drinking water standard for mercury at 0.002 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to mercury.

20) Nitrate. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that nitrate poses an acute health concern at certain levels of exposure. Nitrate is used in fertilizer and is found in sewage and wastes from human and/or farm animals and generally gets into drinking water from those activities. Excessive levels of nitrate in drinking water have caused serious illness and sometimes death in infants under six months of age. The serious illness in infants is caused because nitrate is converted to nitrite in the body. Nitrite interferes with the oxygen carrying capacity of the child's blood. This is an acute disease in that symptoms can develop rapidly in infants. In most cases, health deteriorates over a period of days. Symptoms include shortness of breath and blueness of the skin. Clearly, expert medical advice should be sought immediately if these symptoms occur. The purpose of this notice is to encourage parents and other responsible parties to provide infants with an alternate source of drinking water. Local and State health authorities are the best source for information concerning alternate sources of drinking water for infants. U.S. EPA has set the drinking water standard at 10 parts per million (ppm) for nitrate to protect against the risk of these adverse effects. U.S. EPA has also set

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a drinking water standard for nitrite at 1 ppm. To allow for the fact that the toxicity of nitrate and nitrite are additive, U.S. EPA has also established a standard for the sum of nitrate and nitrite at 10 ppm. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to nitrate.

- 21) Nitrite. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that nitrite poses an acute health concern at certain levels of exposure. This inorganic chemical is used in fertilizers and is found in sewage and wastes from humans and/or farm animals and generally gets into drinking water as a result of those activities. While excessive levels of nitrite in drinking water have not been observed, other sources of nitrite have caused serious illness and sometimes death in infants under six months of age. The serious illness in infants is caused because nitrite interferes with the oxygen carrying capacity of the child's blood. This is an acute disease in that symptoms can develop rapidly. However, in most cases, health deteriorates over a period of days. Symptoms include shortness of breath and blueness of the skin. Clearly, expert medical advice should be sought immediately if these symptoms occur. The purpose of this notice is to encourage parents and other responsible parties to provide infants with an alternate source of drinking water. Local and State health authorities are the best source for information concerning alternate sources of drinking water for infants. U.S. EPA has set the drinking water standard at 1 part per million (ppm) for nitrite to protect against the risk of these adverse effects. U.S. EPA has also set a drinking water standard for nitrate (converted to nitrite in humans) at 10 ppm and for the sum of nitrate and nitrite at 10 ppm. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to nitrite.
- 22) Selenium. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that selenium is a health concern at certain high levels of exposure. Selenium is also an essential nutrient at low levels of exposure. This inorganic chemical is found naturally in food and soils and is used in electronics, photocopy operations, the manufacture of glass, chemicals, drugs, and as a fungicide and a feed additive. In humans, exposure to high levels of selenium over a long period of time has resulted in a number of adverse health effects, including a loss of feeling and control in the arms and legs. U.S. EPA has set the drinking water standard for selenium at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to selenium.

- 23) Acrylamide. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that acrylamide is a health concern at certain levels of exposure. Polymers made from acrylamide are sometimes used to treat water supplies to remove particulate contaminants. Acrylamide has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. Sufficiently large doses of acrylamide are known to cause neurological injury. U.S. EPA has set the drinking water standard for acrylamide using a treatment technique to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. This treatment technique limits the amount of acrylamide in the polymer and the amount of the polymer which may be added to drinking water to remove particulates. Drinking water systems which comply with this treatment technique have little to no risk and are considered safe with respect to acrylamide.

- 24) Alachlor. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that alachlor is a health concern at certain levels of exposure. This organic chemical is a widely used pesticide. When soil and climatic conditions are favorable, alachlor may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for alachlor at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to alachlor.

- 25) Aldicarb. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that aldicarb is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rats and dogs exposed to high levels. U.S. EPA has set the drinking water standard for aldicarb at 0.003 parts per million (ppm) to reduce the risk of adverse

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health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb.

- 26) Aldicarb sulfonate. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that aldicarb sulfonate is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Aldicarb sulfonate in groundwater is primarily a breakdown product of aldicarb. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb sulfonate may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rats and dogs exposed to high levels. U.S. EPA has set the drinking water standard for aldicarb sulfonate at 0.004 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb sulfonate.

- 27) Aldicarb sulfone. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that aldicarb sulfone is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Aldicarb sulfone in groundwater is primarily a breakdown product of aldicarb. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb sulfone may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rats and dogs exposed to high levels. U.S. EPA has set the drinking water standard for aldicarb sulfone at 0.0002 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb sulfone.

- 28) Atrazine. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that atrazine is a health concern at certain levels of exposure. This organic chemical is a herbicide. When soil and climatic conditions are favorable, atrazine may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to affect offspring of rats and the heart of dogs. U.S. EPA has set the drinking water standard for atrazine at 0.003 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this

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- 29) Carbofuran. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that carbofuran is a health concern at certain levels of exposure. This organic chemical is a pesticide. When soil and climatic conditions are favorable, carbofuran may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the nervous and reproductive systems of laboratory animals such as rats and mice exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the nervous system. Effects on the nervous system are generally rapidly reversible. U.S. EPA has set the drinking water standard for carbofuran at 0.04 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to carbofuran.

- 30) Chlordane. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that chlordane is a health concern at certain levels of exposure. This organic chemical is a pesticide used to control termites. Chlordane is not very mobile in soils. It usually gets into drinking water after application near water supply intakes or wells. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for chlordane at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to chlordane.

- 31) Dibromochloropropane (DBCP). The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that DBCP is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, DBCP may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for DBCP at 0.0002 parts per million (ppm) to reduce the risk of cancer or other adverse

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health effects which have been observed in laboratory animals. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to DBCP.

- 32) o-Dichlorobenzene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that o-dichlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a solvent in the production of pesticides and dyes. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and the blood cells of laboratory animals such as rats and mice exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the liver, nervous system, and circulatory system. U.S. EPA has set the drinking water standard for o-dichlorobenzene at 0.6 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to o-dichlorobenzene.

- 33) cis-1,2-Dichloroethylene. The United States Environmental Protection Agency (U.S. EPA) establishes drinking water standards and has determined that cis-1,2-dichloroethylene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and intermediate in chemical production. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and circulatory system of laboratory animals such as rats and mice when exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amount of this chemical also suffered damage to the nervous system. U.S. EPA has set the drinking water standard for cis-1,2-dichloroethylene at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to cis-1,2-dichloroethylene.

- 34) trans-1,2-Dichloroethylene. The United States Environmental Protection Agency (U.S. EPA) establishes drinking water standards and has determined that trans-1,2-dichloroethylene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and intermediate in chemical production. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and the circulatory system of laboratory animals such as rats and mice when exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. U.S. EPA

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has set the drinking water standard for trans-1,2-dichloroethylene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to trans-1,2-dichloroethylene.

- 35) 1,2-Dichloropropane. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that 1,2-dichloropropane is a health concern at certain levels of exposure. This organic chemical is used as a solvent and pesticide. When soil and climatic conditions are favorable, 1,2-dichloropropane may get into drinking water by runoff into surface water or by leaching into ground water. It may also get into drinking water through improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for 1,2-dichloropropane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to 1,2-dichloropropane.

- 36) 2,4-D. This contaminant is subject to a "additional State requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that 2,4-D is a health concern at certain levels of exposure. This organic chemical is used as a herbicide and to control algae in reservoirs. When soil and climatic conditions are favorable, 2,4-D may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the liver and kidney of laboratory animals such as rats exposed at high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. U.S. EPA has set the drinking water standard for 2,4-D at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to 2,4-D.

- 37) Epichlorohydrin. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has

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determined that epichlorohydrin is a health concern at certain levels of exposure. Polymers made from epichlorohydrin are sometimes used in the treatment of water supplies as a flocculent to remove particulates. Epichlorohydrin generally gets into drinking water by improper use of these polymers. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for epichlorohydrin using a treatment technique to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. This treatment technique limits the amount of epichlorohydrin in the polymer and the amount of the polymer which may be added to drinking water as a flocculent to remove particulates. Drinking water systems which comply with this treatment technique have little to no risk and are considered safe with respect to epichlorohydrin.

38) Ethylbenzene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined ethylbenzene is a health concern at certain levels of exposure. This organic chemical is a major component of gasoline. It generally gets into water by improper waste disposal or leaking gasoline tanks. This chemical has been shown to damage the kidney, liver, and nervous system of laboratory animals such as rats exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for ethylbenzene at 0.7 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to ethylbenzene.

39) Ethylene dibromide (EDB). The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that EDB is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, EDB may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for EDB at 0.00005 parts per million (ppm) to reduce the risk of cancer of other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to EDB.

40) Heptachlor. This contaminant is subject to a "additional State

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requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.

The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that heptachlor is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, heptachlor may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standards for heptachlor at 0.0004 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to heptachlor.

41) Heptachlor epoxide. This contaminant is subject to a "additional State requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.

The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that heptachlor epoxide is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, heptachlor epoxide may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standards for heptachlor epoxide at 0.0002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to heptachlor epoxide.

42) Lindane. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that lindane is a health concern at certain levels of exposure. This organic chemical is used as a pesticide. When soil and climatic conditions are favorable, lindane may get into drinking water by

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runoff into surface water or by leaching into ground water. This chemical has been shown to damage the liver, kidney, nervous system, and immune system of laboratory animals such as rats, mice and dogs exposed at high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system and circulatory system. U.S. EPA has established the drinking water standard for lindane at 0.0002 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to lindane.

43) Methoxychlor. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that methoxychlor is a health concern at certain levels of exposure. This organic chemical is used as a pesticide. When soil and climatic conditions are favorable, methoxychlor may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the liver, kidney, nervous system, and reproductive system of laboratory animals such as rats exposed at high levels during their lifetimes. It has also been shown to produce growth retardation in rats. U.S. EPA has set the drinking water standard for methoxychlor at 0.04 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to methoxychlor.

44) Monochlorobenzene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that monochlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a solvent. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and nervous system of laboratory animals such as rats and mice exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for monochlorobenzene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to monochlorobenzene.

45) Polychlorinated biphenyls (PCBs). The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that polychlorinated biphenyls (PCBs) are a health concern at certain levels of exposure. These organic chemicals were once widely used in electrical transformers and other industrial equipment. They generally get into drinking water by improper waste disposal or leaking into electrical industrial equipment. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the

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animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for PCBs at 0.0005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to PCBs.

46) Pentachlorophenol. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that pentachlorophenol is a health concern at certain levels of exposure. This organic chemical is widely used as a wood preservative, herbicide, disinfectant, and defoliant. It generally gets into drinking water by runoff into surface water or leaching into groundwater. This chemical has been shown to produce adverse reproductive effects and to damage the liver and kidneys of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the liver and kidneys. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for pentachlorophenol at 0.001 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to pentachlorophenol.

47) Styrene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that styrene is a health concern at certain levels of exposure. This organic chemical is commonly used to make plastics and is sometimes a component of resins used for drinking water treatment. Styrene may get into drinking water from improper waste disposal. This chemical has been shown to damage the liver and nervous system in laboratory animals when exposed at high levels during their lifetimes. U.S. EPA has set the drinking water standard for styrene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to styrene.

48) Tetrachloroethylene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that tetrachloroethylene is a health concern at

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certain levels of exposure. This organic chemical has been a popular solvent, particularly for dry cleaning. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for tetrachloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to tetrachloroethylene.

49) Toluene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that toluene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and in the manufacture of gasoline for airplanes. It generally gets into water by improper waste disposal or leaking underground storage tanks. This chemical has been shown to damage the kidney, nervous system, and circulatory system of laboratory animals such as rats and mice exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the liver, kidney and nervous system. U.S. EPA has set the drinking water standard for toluene at 1 part per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to toluene.

50) Toxaphene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that toxaphene is a health concern at certain levels of exposure. This organic chemical was once a pesticide widely used on cotton, corn, soybeans, pineapples and other crops. When soil and climatic conditions are favorable, toxaphene may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that caused cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for toxaphene at 0.003 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to toxaphene.

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51) 2,4,5-TP. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that 2,4,5-TP is a health concern at certain levels of exposure. This organic chemical is used as a herbicide. When soil and climatic conditions are favorable, 2,4,5-TP may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the liver and kidney of laboratory animals such as rats and dogs exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the nervous system. U.S. EPA has set the drinking water standard for 2,4,5-TP at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to 2,4,5-TP.

52) Xylenes. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that xylene is a health concern at certain levels of exposure. This organic chemical is used in the manufacture of gasoline for airplanes and as a solvent for pesticides, and as a cleaner and degreaser of metals. It usually gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and nervous system of laboratory animals such as rats and dogs exposed to high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. U.S. EPA has set the drinking water standard for xylene at 10 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to xylene.

53) Antimony. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that antimony is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is often used in the flame retardant industry. It is also used in ceramics and glass, batteries, fireworks, and explosives. It may get into drinking water through natural weathering of rock, industrial production, municipal waste disposal, or manufacturing processes. This chemical has been shown to decrease longevity, and altered blood levels of cholesterol and glucose in laboratory animals such as rats exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for antimony at 0.006 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered

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safe with respect to antimony.

54) Beryllium. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that beryllium is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is often used in electrical equipment and electrical components. It generally gets into water from runoff from mining operations, discharge from processing plants, and improper waste disposal. Beryllium compounds have been associated with damage to the bones and lungs and induction of cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. There is limited evidence to suggest that beryllium may pose a cancer risk via drinking water exposure. Therefore, U.S. EPA based the health assessment on noncancer effects with the extra uncertainty factor to account for possible carcinogenicity. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for beryllium at 0.004 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to beryllium.

56) Cyanide. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that cyanide is a health concern at certain levels of exposure. This inorganic chemical is used in electroplating, steel processing, plastics, synthetic fabrics, and fertilizer products. It usually gets into water as a result of improper waste disposal. This chemical has been shown to damage the spleen, brain, and liver of humans fatally poisoned with cyanide. U.S. EPA has set the drinking water standard for cyanide at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to cyanide.

56) Nickel. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that nickel is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is often used in electroplating, stainless steel, and alloy products. It generally gets into water from mining and refining operations. This chemical has been shown to damage the heart and liver in laboratory animals when the animals are exposed to high levels over their lifetimes. U.S. EPA has set the drinking water standard at 0.1 parts per million (ppm) for nickel to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is

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associated with little to none of this risk and is considered safe with respect to nickel.

57) Thallium. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that thallium is a health concern at certain high levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is used in electronics, pharmaceuticals, and the manufacture of glass and alloys. This chemical has been shown to damage the kidney, liver, brain, and intestines of laboratory animals when the animals are exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for thallium at 0.002 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to thallium.

58) Benzo(a)pyrene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that benzo(a)pyrene is a health concern at certain levels of exposure. Cigarette smoke and charbroiled meats are common sources of general exposure. The major source of benzo(a)pyrene in drinking water is the leaching from coal tar lining and sealants in water storage tanks. This chemical has been shown to cause cancer in animals such as rats and mice when the animals are exposed to high levels. U.S. EPA has set the drinking water standard for benzo(a)pyrene at 0.0002 parts per million (ppm) to protect against the risk of cancer. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to benzo(a)pyrene.

59) Dalapon. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that dalapon is a health concern at certain levels of exposure. This organic chemical is a widely used herbicide. It may get into drinking water after application to control grasses in crops, drainage ditches, and along railroads. This chemical has been associated with damage to the kidney and liver in laboratory animals when the animals are exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for dalapon at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to dalapon.

60) Dichloromethane. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that dichloromethane (methylene chloride) is a health concern at certain levels of exposure. This organic chemical is a widely used solvent. It is used in the manufacture of paint

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remover, as a metal degreaser, and as an aerosol propellant. It generally gets into water after improper discharge of waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for dichloromethane at 0.005 parts per million (ppm) to protect against the risk of cancer or other adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to dichloromethane.

61) Di(2-ethylhexyl)adipate. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that di(2-ethylhexyl)adipate is a health concern at certain levels of exposure. Di(2-ethylhexyl)adipate is a widely used plasticizer in a variety of products, including synthetic rubber, food packaging material, and cosmetics. It may get into drinking water after improper waste disposal. This chemical has been shown to damage the liver and tests in laboratory animals such as rats and mice when the animals are exposed to high levels. U.S. EPA has set the drinking water standard for di(2-ethylhexyl)adipate at 0.4 parts per million (ppm) to protect against the risk of adverse health effects that have been observed in laboratory animals. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to di(2-ethylhexyl)adipate.

62) Di(2-ethylhexyl)phthalate. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that di(2-ethylhexyl)phthalate is a health concern at certain levels of exposure. Di(2-ethylhexyl)phthalate is a widely used plasticizer, which is primarily used in the production of polyvinyl chloride (PVC) resins. It may get into drinking water after improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for di(2-ethylhexyl)phthalate at 0.004 parts per million (ppm) to protect against the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to di(2-ethylhexyl)phthalate.

63) Dinoseb. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that dinoseb is a health concern at certain levels of exposure. Dinoseb is a widely used pesticide and generally gets into water

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after application on orchards, vineyards, and other crops. This chemical has been shown to damage the thyroid and reproductive organs in laboratory animals such as rats exposed to high levels. U.S. EPA has set the drinking water standard for dinoseb at 0.007 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to dinoseb.

64) Diquat. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that diquat is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control terrestrial and aquatic weeds. It may get into drinking water by runoff into surface water. This chemical has been shown to damage the liver, kidney, and gastrointestinal tract and causes cataract formation in laboratory animals such as dogs and rats exposed at high levels over their lifetimes. U.S. EPA has set the drinking water standard for diquat at 0.02 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to diquat.

65) Endothall. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that endothall is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control terrestrial and aquatic weeds. It may get into drinking water by runoff into surface water. This chemical has been shown to damage the liver, kidney, gastrointestinal tract, and reproductive system of laboratory animals such as rats and mice exposed at high levels over their lifetimes. U.S. EPA has set the drinking water standard for endothall at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to endothall.

66) Endrin. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that endrin is a health concern at certain levels of exposure. This organic chemical is a pesticide no longer registered for use in the United States. However, this pesticide is persistent in treated soils and accumulates in sediments and aquatic and terrestrial biota. This chemical has been shown to cause damage to the liver, kidney, and heart in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for endrin at 0.002 parts per million (ppm) to protect against the risk of these adverse health effects that have been observed in laboratory animals. Drinking water that meets the U.S. EPA

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standard is associated with little to none of this risk and is considered safe with respect to endrin.

67) Glyphosate. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that glyphosate is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control grasses and weeds. It may get into drinking water by runoff into surface water. This chemical has been shown to cause damage to the liver and kidneys in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for glyphosate at 0.7 parts per million (ppm) to protect against their risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to glyphosate.

68) Hexachlorobenzene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that hexachlorobenzene is a health concern at certain levels of exposure. This organic chemical is produced as an impurity in the manufacture of certain solvents and pesticides. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for hexachlorobenzene at 0.001 parts per million (ppm) to protect against the risk of cancer and other adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to hexachlorobenzene.

69) Hexachlorocyclopentadiene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that hexachlorocyclopentadiene is a health concern at certain levels of exposure. This organic chemical is a used as an intermediate in the manufacture of pesticides and flame retardants. It may get into water by discharge from production facilities. This chemical has been shown to damage the kidney and the stomach of laboratory animals when exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for hexachlorocyclopentadiene at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to hexachlorocyclopentadiene.

70) Oxamyl. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that oxamyl is a health concern at certain levels of exposure. This organic chemical is used as a pesticide for the control of insects and

other pests. It may get into drinking water by runoff into surface water or leaching into ground water. This chemical has been shown to damage the kidneys of laboratory animals such as rats when exposed at high levels during their lifetimes. U.S. EPA has set the drinking water standard for oxamyl at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to oxamyl.

71) Picloram. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that picloram is a health concern at certain levels of exposure. This organic chemical is used as a pesticide for broadleaf weed control. It may get into drinking water by runoff into surface water or leaching into groundwater as a result of pesticide application and improper waste disposal. This chemical has been shown to cause damage to the kidneys and liver in laboratory animals such as rats when the animals are exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for picloram at 0.5 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to picloram.

72) Simazine. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that simazine is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control annual grasses and broadleaf weeds. It may leach into groundwater or run off into surface water after application. This chemical may cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for simazine at 0.004 parts per million (ppm) to reduce the risk of cancer or adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to simazine.

73) 1,2,4-Trichlorobenzene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that 1,2,4-trichlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a dye carrier and as a precursor in herbicide manufacture. It generally gets into drinking water by discharge from industrial activities. This chemical has been shown to cause damage to several organs, including the adrenal glands. U.S. EPA has set the drinking water standard for 1,2,4-trichlorobenzene at 0.07

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parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to 1,2,4-trichlorobenzene.

74) 1,1,2-Trichloroethane. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that 1,1,2-trichloroethane is a health concern at certain levels of exposure. This organic chemical is an intermediate in the production of 1,1-dichloroethylene. It generally gets into water by industrial discharge of wastes. This chemical has been shown to damage the kidney and liver of laboratory animals such as rats exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for 1,1,2-trichloroethane at 0.005 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to 1,1,2-trichloroethane.

75) 2,3,7,8-TCDD (dioxin). The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that dioxin is a health concern at certain levels of exposure. This organic chemical is an impurity in the production of some pesticides. It may get into drinking water by industrial discharge of wastes. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for dioxin at 0.00000003 parts per million (ppm) to protect against the risk of cancer or other adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to dioxin.

BOARD NOTE: Derived from 40 CFR 141.32(e) (~~1999~~1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 611.TABLE E Lead and Copper Monitoring Start Dates

System Size First Six-month Monitoring Period Begins
(Persons served)

more than 50,000 Upon effective date(1)
3,301 to 50,000 Upon effective date(2)
3,300 or fewer July 1, 1993

(1) USEPA U.S. EPA sets forth a date of January 1, 1992.
(2) USEPA U.S. EPA sets forth a date of July 1, 1992.

BOARD NOTE: Derived from 40 CFR 141.86(d)(1) (~~1992~~1994).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 611. TABLE 2 Federal Effective Dates

The following are the effective dates of the federal MCLs:

Fluoride (40 CFR 141.60(b)(1))
(corresponding with Section 611.301(b))

October 2, 1987

Phase I VOCs (40 CFR 141.60(a)(1))
(corresponding with Section 611.311(a))
(benzene, carbon tetrachloride, p-dichlorobenzene, 1,1,1-trichloroethane, 1,2-dichloroethane, 1,1-dichloroethylene, 1,1,1-trichloroethane, trichloroethylene, and vinyl chloride)

July 9, 1989

Lead and Copper (40 CFR, Subpart I)
(corresponding with Subpart G of this Part)
(lead and copper monitoring, reporting, and recordkeeping requirements of 40 CFR 141.86 through 141.91)

July 7, 1991

Phase II VOCs (40 CFR 141.60(b)(2))
(corresponding with Section 611.301(b))
(asbestos, cadmium, chromium, mercury, nitrate, nitrite, and selenium)

July 30, 1992

Phase II VOCs (40 CFR 141.60(a)(2))
(corresponding with Section 611.311(a))
(o-dichlorobenzene, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, 1,2-dichloropropane, ethylbenzene, monochlorobenzene, styrene, tetrachloroethylene, toluene, and xylenes (total))

July 30, 1992

Phase II SOCs (40 CFR 141.60(a)(2))
(corresponding with Section 611.311(c))
(alachlor, atrazine, carbofuran, chlordane, dibromochloropropane, ethylene dibromide, heptachlor, heptachlor epoxide, lindane, methoxychlor, polychlorinated biphenyls, toxaphene, 2,4-D, and 2,4,5-TP (Silvex))

July 30, 1992

Lead and Copper (40 CFR, Subpart I)
(Corresponding with Subpart G of this Part)
(lead and copper corrosion control, water treatment, public education, and lead service line replacement requirements of 40 CFR 141.81 through 141.85)

December 7, 1992

Phase IIB IOC (40 CFR 141.60(b)(2))
(corresponding with Section 611.301(b))
(barium)

January 1, 1993

Phase IIB SOCs (40 CFR 141.60(a)(2))

January 1, 1993

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(corresponding with Section 611.311(c))
(aldicarb, aldicarb sulfone, aldicarb sulfoxide, and pentachlorophenol; HSEPA U.S. EPA stayed the effective date as to the MCLs for aldicarb, aldicarb sulfone, and aldicarb sulfoxide, but the monitoring requirements became effective January 1, 1993)

Phase V IOCs (40 CFR 141.60(b)(3))
(corresponding with Section 611.301(b))
(antimony, beryllium, cyanide, nickel, and thallium)

January 17, 1994

Phase V VOCs (40 CFR 141.60(a)(3))
(corresponding with Section 611.311(a))
(dichloromethane, 1,2,4-trichlorobenzene, and 1,1,2-trichloroethane)

January 17, 1994

Phase V SOCs (40 CFR 141.60(a)(3))
(corresponding with Section 611.311(c))
(benzo[a]pyrene, dalapon, di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate dinoseb, diquant, endothall, endrin, glyphosate, hexachlorobenzene, hexachloro-cyclopentadiene, oxamyl, picloram, simazine, and 2,3,7,8-TCDD)

January 17, 1994

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Illinois Public Accounting Act

2) Code Citation: 68 Ill. Adm. Code 1420

3) Section Numbers: Proposed Action:

1420.10	Amendment
1420.20	Amendment
1420.30	Amendment
1420.35	New Section
1420.40	Amendment
1420.50	Amendment
1420.60	Amendment
1420.70	Amendment
1420.80	Amendment
1420.90	Amendment
1420.100	Repeal
1420.110	Amendment

4) Statutory Authority: Implementing and authorized by Section 9.2 of the Illinois Public Accounting Act (225 ILCS 450/9.2).

5) A Complete Description of the Subjects and Issues Involved: This rulemaking brings the rules for licensure of public accountants in line with the sunset rewrite of the Illinois Public Accounting Act, which became effective January 1, 1994.

The renewals, restoration, fees and continuing professional education Sections were amended to reflect the statutory change in the licensure renewal cycle from two years to three. Although renewal fees will come due every third year rather than every other year, the cost per year for a licensed public accountant will remain \$20.

Three Department service fees are raised from \$10 to \$20. They include the fee for certification of a licensee's record, the fee for a duplicate or replacement license and the fee charged for name or address changes on a licensee's record, other than during renewal. The fee charged for a license as a public accountant by endorsement from another jurisdiction was lowered from \$100 to \$75.

Fees for continuing education sponsors were added to the rules, as authorized by the rewrite of the Act. The basic application fee to be a continuing education sponsor remains \$150 - the same as listed in the Act before the rewrite. Applicants who submit proof of prior unrevoked registration with the Continuing Professional Education (CPE) Registry of the National Association of State Boards of Accountancy can become continuing education sponsors for the reduced fee of \$75. Publicly supported colleges, universities and governmental agencies located in

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Illinois continue to be exempt by these proposed rules from paying fees for continuing education sponsor registration.

Section 1420.30, pertaining to the licensure of partnerships, was broadened to include corporations, limited liability companies and any other form of business organization determined by the Department or other regulatory authority to be authorized or entitled to conduct business in this State if it meets requirements of the Act relating to the practice of public accounting in Illinois. A new Section was added, pursuant to Section 9.1 of the Act, to allow temporary practice in Illinois by licensed/registered accountants from other jurisdictions.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800 Fax #: 217/782-7645

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses offering accounting services and those providing continuing education for accountants.

B) Reporting, bookkeeping or other procedures required for compliance: Accountants and accounting firms will need to be aware of when their licenses expire and the new three-year renewal cycle. They also need to monitor their progress toward meeting continuing education

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requirements.

- C) Types of professional skills necessary for compliance: Skills in accounting are necessary for licensure.

- 13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: This proposed amendment was included in the Department's regulatory agenda of January 1995.

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1420

ILLINOIS PUBLIC ACCOUNTING ACT

Section	
1420.10	Experience
1420.20	Application for Licensure <u>Registration-Individual</u>
1420.30	Application for Licensure <u>Registration-Firm Partnership</u>
1420.35	Temporary Practice
1420.40	Fees for the Administration of the Act
1420.50	Endorsement
1420.60	Restoration
1420.70	Continuing Professional Education
1420.80	Renewals
1420.90	Annual Report of the Committee
1420.100	Conduct of Hearings (<u>Repealed</u>)
1420.110	Granting Variances

AUTHORITY: Implementing the Illinois Public Accounting Act [225 ILCS 450] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Public Accounting Act, effective June 30, 1975; codified at 5 Ill. Reg. 11058; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7748, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 14548, effective October 13, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 6179, effective April 25, 1984; amended at 9 Ill. Reg. 5708, effective April 15, 1985; amended at 9 Ill. Reg. 8738, effective May 28, 1985; amended at 9 Ill. Reg. 13360, effective August 21, 1985; amended at 10 Ill. Reg. 20739, effective December 1, 1986; amended at 11 Ill. Reg. 18276, effective October 27, 1987; transferred from Chapter I, 68 Ill. Adm. Code 420 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1420 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2944; amended at 19 Ill. Reg. _____, effective _____.

Section 1420.10 Experience

The Department of Professional Regulation (the Department) shall license register as public accountants those individuals who have gained the required one year of experience as follows either:

- a) On the professional staff of a practicing public accountant licensed registered in this or any other state; or

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- b) As an employee of a government agency performing work ~~of a type~~ normally directed toward the expression of an independent opinion on financial statements ~~auditing~~, in accordance with generally accepted accounting principles and the work is done in accordance with generally accepted auditing standards. ~~Accounting Standards of the Financial Accounting Standards Board as of March 17, 1957, which are hereby incorporated by reference and include no later citations or amendments, either.~~ Such work shall be with:

- 1) Firms engaged in 3 or more distinct lines of commercial or industrial business; or
- 2) Three or more governmental agencies or independent organizational units, not an employer of the applicant, in which the results of such auditing are reported to a third party; or
- 3) ~~In~~Review ~~reviewing~~ of financial statements and supporting material covering the financial condition and operations of at least 3 entities engaged in 3 or more lines of business to determine the reliability and fairness of the financial reporting and compliance with generally accepted accounting principles, and applicable laws and governmental regulations ~~(Ill. Rev. Stat. 1983-Chr. III-Par. 5515; or~~

- c) In experience or employment substantially equivalent to either (or a combination of both) subsections (a) and (b) above. Such experience or employment:

- 1) Must involve the performance of duties or services similar in nature to those customarily performed in subsections (a) and (b) above;
- 2) Must be performed while the applicant is in a responsible financial position (such as internal audit, or controllership responsibilities for an entity with complex financial statements and accounting systems);
- 3) May require more than one year of actual experience to qualify as being the equivalent of one year of experience in subsections (a) and (b) above; and
- 4) Must be evaluated by the Public Accounting Registration Committee for each applicant on a case-by-case basis; or
- d) ~~In any~~ combination of subsections (a), (b) and (c) above.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1420.20 Application for Licensure Registration-Individual

An applicant for licensure registration as a public accountant shall file an application with the Department, which shall include the following:

- a) ~~A recent photograph not larger than 2 1/2 inches by 2 1/2 inches.~~
- b) Certification of the issuance of a valid and unrevoked Illinois licensed Public Accountant (C.P.A.) Certificate, issued by the Board of Examiners at Committee on Accountancy of the University of

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- Illinois:
- e) ~~b)~~ Proof of the experience earned pursuant to Section 1420.10 of this Part; and
 - c) A complete work history since receipt of the Certified Public Accountant Certificate;

- d) The required fee, specified in Section 1420.40(a)-2;
- e) Proof acceptable to the Department of having completed not less than 90 hours of continuing education, as defined in Section 1420.70 of this Part, in the 3 years immediately preceding the application, if more than 4 years have elapsed since the applicant has been awarded the C.P.A. certificate required by subsection (a) above; and

- f) A certification of licensure from another jurisdiction, if applicable, stating:
 - 1) The date of issuance of the applicant's license;
 - 2) Whether the records of the licensing authority contain any record of disciplinary action taken or pending.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1420.30 Application for Licensure Registration-Firm Partnership

- a) For purposes of this Section

- 1) Firm shall include:
 - A) A partnership, corporation, limited liability company or any other form of business organization determined by the Department or other regulatory authority to be authorized or entitled to conduct business in this State and meeting requirements of the Act relating to the practice of public accounting in this State;

- B) A public accounting unit consisting of an individual licensee operating under a business name other than the licensee's own name, including but not limited to a business name that contains such words as "and Company", "and Associates" or similar words indicating that others take part in the conduct of the business.

- 2) "Member" includes a partner, shareholder in a corporation, member of a limited liability company and any other person (natural or otherwise) who or which is the owner of an interest in a firm.

- b) A firm partnership seeking registration shall submit an application to the Department with the required fee set forth in Section 1420.40 along with one affidavit stating:

- a) The name, address and Illinois license registration number of each member partner personally engaged in the practice of public accounting;
- b) The name, address and Illinois license registration number of each person in charge of an office of the firm partnership in Illinois; and

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e7j) That each member partner not personally engaged in the practice of public accounting in Illinois is a certified public accountant or is otherwise authorized to practice accounting in some jurisdiction~~1111-Rev--Stat--1983--Ch--111-par--55117.~~

d7c) Every firm partnership licensed registered under the Act shall notify the Department of any change in members partners at the time of renewal.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1420.35 Temporary Practice

Pursuant to Section 9.1 of the Act, accountants licensed, registered or certified by another state, territory or the District of Columbia, or an accountant authorized by a foreign jurisdiction(s) may temporarily practice in Illinois. Such temporary practice may not exceed 2 engagements within one year in Illinois for a client residing in another state. If an accountant practices beyond this definition of temporary practice, he/she would be required to be licensed in Illinois in accordance with the Act and this Part.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1420.40 Fees For the Administration of the Act

The following fees shall be paid to the Department for the functions performed by the Department under this Act and shall be non-refundable:

- The fee for application and for a certificate of licenseure registration as a public accountant is \$75;
- The fee for renewal of a certificate-of license registration as a public accountant is \$40 \$20 per year;
- The fee for a license certificate-of-registration as a firm partnership engaged in public accounting is \$75;
- The fee for renewal of a license certificate-of-registration as a firm partnership engaged in public accounting is \$80 \$40 per year;
- The fee for a license certificate-of-registration as a public accountant by endorsement from another jurisdiction is \$100 \$75;
- The fee for placing a license certificate-of-registration on inactive status is \$15;
- The fee for restoration of a license certificate-of-registration from inactive status is the current renewal fee.
- The fee for restoration of a license certificate-of-registration other than from inactive status is \$50 plus all lapsed renewal fees, not to exceed \$120 \$260;
- The fee for certification of a licensee's registrant's record is \$10 \$20;
- The fee for a duplicate license certificate or replacement certificate

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is \$10 \$20;

- The fee for a wall certificate is the cost of production\$10;
- The fee for change of name or address on a licensee's registrant's record, other than during renewal, is \$10 \$20;
- The fee for a roster of licensed registered public accountants shall be the actual cost of producing such a roster. Actual roster cost shall equal (total number of licensees registrants in list requested) times the multiplier (cost of paper), plus fixed costs (such as personnel, handling and forms);²
- The fee for application to be a sponsor of approved continuing education courses shall be \$150, except the fee for applicants who submit proof of prior unrevoked registration with the Continuing Professional Education (CPE) Registry of the National Association of State Boards of Accountancy shall be \$75. Publicly supported colleges, universities and governmental agencies located in Illinois are exempt from payment of fees for continuing education sponsor registration and renewal;
- The renewal fee for sponsors of CPE shall be \$150, except the renewal fee for registered sponsors who are also registered with the National Association of State Boards of Accountancy shall be \$75;
- Upon request, one copy of the Act and Rules will be provided free of charge. Additional copies may be obtained for one dollar per copy.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1420.50 Endorsement

Any person who-is currently licensed in another jurisdiction who desires desiring to obtain a license certificate-of-registration as a public accountant by endorsement shall file an application with the Department, together with:

- Certification of the issuance of a valid and unrevoked Illinois Certified Public Accountant (C.P.A.) Certificate, issued by the Board of Examiners at the University of Illinois;
- A certification from the jurisdiction of original licensure and any other jurisdiction in which he/she may have been licensed stating:
 - The date of issuance of the applicant's license;
 - The basis-of-licensure-and-a-description-of-the-examination--if-any--by-which-the-applicant-was-licensed,
 - That --such--licensing--authority--has--received--proof--that--the--applicant--holds--a--valid--C-P-A--certificate--or--that--certificate--which--is--issued--upon--passage--of--the--Uniform--C-P-A--Examination--and--that--the--applicant--has--completed--one--year--of--experience--in--auditing--prior--to--licensure--and
- Whether the records of the licensing authority contain any record of any disciplinary action taken or pending;²
- Verification of employment/experience that the applicant has completed one year of experience as defined in Section 1420.10 of this Part.

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1420.60 Restoration

- a) A person seeking restoration of a license prior to September 30, 1997, after it has expired or been placed on inactive status for 5 years or more, shall file an application with the Department together with the required fee specified in Section 1420.40 of this Part and proof of 80 hours of continuing education as defined in Section 1420.70 of this Part in the 2 years immediately preceding application for restoration.
- A person seeking restoration of his a license on or after September 30, 1997, after it has expired or been placed on inactive status for more--than 5 years or more shall file an application with the Department together with the required fee specified in Section 1420.40 of this Part and proof of 120 hours of continuing education as defined in Section 1420.70 of this Part in the 3 years immediately preceding application for restoration. The applicant shall also submit either:
- 1) One verification of employment completed by an employer, co-worker or client; or

~~12) Sworn evidence~~ Proof of active practice in another jurisdiction.

Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or

- 3) Certification of licensure from the licensing authority, stating the dates of licensure and whether the records of the licensing authority contain any record of disciplinary action taken or pending;

~~24) Two~~ One verification of employment ~~affidavits~~ attesting to the applicant's practice of public accounting in a jurisdiction where licensure is not required; or

- 35) An affidavit attesting to military service as provided in Section 17.1 of the Act; or

~~46) Other~~ proof acceptable to the Department of the applicant's fitness to have his the license restored.

- b) A person seeking restoration of his a license which that has expired or been placed on inactive status for less than 5 years shall have his the license restored upon payment of the required fee as specified in Section 1420.40 and proof of 40 40 hours each year of part thereof since the license has been expired or placed on inactive status, but in no event more than 120 hours of continuing education as defined in Section 1420.70 of this Part. The CPE hours must have been obtained within the 3 years immediately preceding application for restoration. However, any licensee whose license expired while in military service is provided in Section 17.1 of the Act shall be excused from the payment of any lapsed renewal fees if application for restoration is

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- c) made within 2 years of termination of such service.
- When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is reasonably questioned by the Department because of lack of information, discrepancies or conflicts in information given, or information needing further a need for clarification, and/or--missing information, the licensee seeking restoration of his a license will be requested to:

- 1) provide such information as may be necessary; and/or
- 2) explain such relevance or sufficiency during an oral--interview, or

32) ~~Appear~~ appear for an interview before the Committee to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. When--the information--available--to--the--Committee--is--insufficient--to evaluate--the--individual's--current--competency--to--practice--under the--Act--upon--recommendation--of--the--Committee--an--applicant--shall have--his--license--restored--

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1420.70 Continuing Professional Education

- a) Approved continuing professional education course or program (CPE course), as used in this Part, shall mean a course or program which that complies with subsection (d) of this Section.

- b) Recognized educational or professional sponsor, as used in this Part, shall mean:

- 1) The American Institute of Certified Public Accountants (AICPA);
- 2) The Illinois CPA Society/Foundation (ICPAS/F); or
- 3) A university or college approved by its governing board in the State of Illinois, or equivalent public authority governing board if in another jurisdiction, to award accounting degrees.

- c) Sponsor, as used in this Part, shall mean a person, firm, association, corporation or other group which--is responsible for coordination and presentation of an approved CPE course or program.

- d) An approved CPE course or program is an organized program of formal learning which that contributes directly to a certified public accountant's knowledge, ability or competence to perform his/her duties as a public accountant. Those programs and courses will qualify which if they meet the following minimum requirements:

- 1) The course or program shall include as its subject matter one or more of the following:
 - A) Accounting and auditing
 - B) Taxation
 - C) Management services
 - D) Computer sciences
 - E) Mathematics, statistics, probability, and quantitative

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applications to organization

- F) Economics
- G) Finance
- H) Business, securities and administrative law
- I) Business management and employee benefits
- J) Professional ethics for certified public accountants
- K) Auditing public or private sector specialized industries
- L) Administrative practice; e.g., engagement letters, fee structure and personnel management
- M) Effective presentation techniques
- N) Professional Writing
- O) Decision Making
- P) Practice development

2) All courses and programs shall be developed and presented by persons with education and/or experience in the subject matter of the program to ensure compliance with the standards stated herein.

3) All programs must include some mechanism whereby the participants evaluate the over-all quality of the program.

4) All courses and programs shall specify the course objectives, level of knowledge necessary for, and prerequisites to enrollment, if any, course content, any necessary advance preparation, teaching methods to be used, and the number of CPE hours which that will be earned.

5) The sponsor(s) of all courses and programs will provide each participant with a certificate or other proof of attendance, which must include the name and address of the sponsor, the name and address of the participant, the title of the course, the number of hours actually attended in each topic, and the date the course or program was given. The sponsor(s) shall also provide each participant with an outline of the course subject matter. If the sponsor is a public accounting firm licensed under the Act, and the course is given in-firm, the sponsor will not be required to provide certificates of attendance to the employees of the firm attending the course.

e) Credit Hours--Each approved CPE course or program "hour" shall include, as a minimum, 50 minutes of actual class time, exclusive of time devoted by participants to pre-class or post-class preparation or study and shall equal one CPE course credit hour. Courses that are part of the curriculum of a university, college or other educational institution shall be awarded CPE course credit at the rate of 15 credit hours for each semester hour, or 10 credit hours for each quarter hour of school credit awarded.

1) A licensee who serves as an instructor, speaker or discussion leader of an approved course will be allowed CPE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for repetitious presentations of the same course,

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and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 40 50% of the total number of hours required during any renewal period.

2) CPE course credit will be allowed for actual authorship of published articles and books, provided the subject matter of such article or book complies with this Section. CPE course credit shall be allowed for actual time spent in writing or researching, but in no case shall credit for authorship of published articles or books be given for more than 20 25% of the total number of hours required during any renewal period.

3) A correspondence or individual study course shall qualify if it meets all other requirements of these rules, it indicates average completion time on the course material, and it provides some mechanism or process by which to provide evidence of satisfactory completion by the licensee beyond certification by the licensee. Credit hours for a correspondence or individual study course shall be allowed on the basis of one-half of the average completion time determined by the sponsor. In no case shall more than 40--hours--of credit for correspondence or individual study courses be given for more than 40 50% of the total number of hours required during any renewal period.

4) CPE course credit will be allowed for programs or courses taken towards toward the satisfaction of continuing education provisions in other States.

f) Recognized educational or professional sponsors, as specified in subsection (b) above, shall be approved upon filing a sponsor application form with the Department and payment of the required fee set forth in Section 1420.40 of this Part. Such filing shall not prevent the Department from requiring additional information, to ensure full and continued compliance with the statute and this Part. The Department will require the added information when it has reason to believe that there is not full and continued compliance with the statute and this Part and the additional information is necessary to ensure compliance.

g) All other sponsors shall be approved upon application to the Department, payment of the required fee set forth in Section 1420.40 of this Part and upon providing the Department the following additional certification:

- 1) That all courses and programs offered by such sponsor for CPE course credit will comply with this Section;
- 2) That the sponsor will be responsible for verifying attendance at each course or program and will maintain such records for not less than five years; and
- 3) That, upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with the requirements of this Section. Such evidence will be requested when the Department has reason to believe that there is not full

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and continued compliance with the statute and this part Part and that the information is necessary to ensure compliance.

- h) Upon failure of any sponsor to comply with the requirements of this Section, the Department shall issue a written notification to the sponsor that it must remedy its non-compliance prior to providing further approved courses.

- i) All sponsor approvals shall expire December 31 of each year and may be renewed by submitting a renewal application and the required fee set forth in Section 1420.40(o) of this Part.

j) The Department shall periodically and--randomly audit CPE course information submitted by applicants to verify such information, and shall verify such information upon receipt of a written complaint or allegation that a particular applicant or group of applicants has not fully complied with the requirements of the Act or this Part.

- k) Any approved sponsor's course(s) shall be disapproved if the sponsor fails or refuses to provide information to the Department to for ascertain ascertaining compliance with this Part as specified in subsection subsections (f) and (g) above.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1420.80 Renewals

- a) Every license certificate-of-registration issued under the Act prior to September 30, 1994, shall expire on September 30, 1994 of each even-numbered year. Licenses issued under this Act, on or after September 30, 1994, shall expire September 30, 1997, and every 3 years thereafter. The holder of a license certificate-of-registration may renew such license certificate during the 2 month months preceding the expiration date thereof by paying the required fee and submitting proof of 120 hours of CPE in accordance with complying-with-the requirements-of Section 1420.70 of this Part. Such applications shall include a listing of all programs and courses, along with the date given, the name of the sponsor of the course and the number of hours of credit claimed.

- b) Every license certificate-of--registration for a firm partnership issued prior to October 1, 1994, shall expire on November 30, 1994 of each-even-numbered-year. Every license issued to a firm on or after October 1, 1994, shall expire on November 30, 1997, and every 3 years thereafter. Firms partnerships may renew such license during the 2 months preceding the expiration date thereof by submitting shall-also submit-with the required fee, notification of any change in members partners residing in Illinois and verification that the firm partnership continues to meet the qualifications set forth in Section 14 of this Act.

- c) A renewal applicant is not required to comply with CPE requirements for the first renewal.

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- e) It is the responsibility of each licensee registrant to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew.

- d) Each application for renewal shall include on forms provided by the Department, a certification by the applicant that he has during the prerewnewl-period completed not less than 80 hours of approved continuing professional education programs or courses. Such application shall include a listing of all such programs and courses along with the date given, the name of the sponsor of the course, and the number of hours of credit claimed. For the September 30, 1986 renewal, applicants shall be required to complete only 60 hours of CPE which must have been earned subsequent to September 30, 1984.

- e) A licensee may file an application for renewal without having fully complied with the continuing education requirements by requesting a waiver of such requirements. Such request shall include an affidavit setting forth the facts upon which the request for waiver is based. If the Department finds from such affidavit or any other evidence submitted, that good cause has been shown for non-compliance, the Department shall waive enforcement, extend the time within which the applicant shall comply, or establish a particular program or schedule of continuing education for the renewal period for which the applicant has applied. At that time, the renewal applicant will be requested to submit the required renewal fee. Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CPE course requirements during the applicable prerewnewl period because of:

- 1) Full-time service in the armed forces of the United States of America during a substantial part of such period; or
- 2) Extreme hardship, which shall be determined on an individual basis by the Committee and shall be limited to documentation of:
 - A) An incapacitating illness,
 - B) A physical inability to travel to the sites of approved programs, or
 - C) Any other similar extenuating circumstances.

- f) An interview before the Committee with respect to a request for waiver or other action shall be granted if such interview is requested at the time the request for waiver is filed with the Department. The renewal applicant requesting waiver shall be given at least 20 days' written notice of the date, time and place of such interview, by certified mail, return receipt requested.

- g) A renewal applicant who fails to include evidence of completion of the requisite number of CPE course hours shall be referred to the Committee for recommendation for further action by the Department.

- h) No carry over of continuing education hours is allowed from one prerewnewl period to another.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 1420.90 Annual Report of the Committee

The Public Accountant Registration Committee shall submit a written report, on an annual basis, to the Director in which it shall evaluate its own and the Department's performance, inform the Department of practice developments within the public accounting profession, and provide recommendations for statutory or regulatory program changes.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1420.100 Conduct of Hearings (Repealed)

~~Any disciplinary proceedings brought by the Department under the provisions of Section 20-01 of the Act shall be conducted in accordance with the Department's Rules of Practice in Administrative Hearings (68 Ill. Adm. Code-1110).~~

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 1420.110 Granting Variances

a) The Director may grant variances from ~~these rules~~ this Part in individual cases where he/she finds that:

- 1) ~~the~~ provision from which the variance is granted is not statutorily mandated;
- 2) ~~no~~ party will be injured by the granting of the variance; and
- 3) ~~the~~ rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

b) The Director shall notify the Public Accountant Registration Committee of the granting of such variance, and the reasons therefor, at the next meeting of the Committee.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULE(S)

1) Heading of the Part: Anti-Theft and Abandoned Vehicles Law

2) Code Citation: 92 Ill. Adm. Code 1055

3) Section Numbers: Proposed Action:

1055.10 New Section

1055.20 New Section

1055.30 New Section

4) Statutory Authority: Implementing Chapter 4 and authorized by Section 4-109(h) of the Illinois Anti-Theft Law and Abandoned Vehicle Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 4 and 4-109(h)].

5) A Complete Description of the Subjects and Issues Involved: To provide rules and regulations for the implementation of the Beat Auto Theft (B.A.T.) Program.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this rulemaking contain incorporations by reference? No.

9) Are there any other proposed rulemakings pending on this part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Robert B. Powers
Assistant Counsel
Secretary of State's Office
298 Howlett Building
Springfield, IL 62756
(217) 785-3094

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small business and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

13) State reasons for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas:

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NOTICE OF PROPOSED RULE(S)

The full text of the Proposed Rule begins on the next page:

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NOTICE OF PROPOSED RULE(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1055

ANTI-THEFT AND ABANDONED VEHICLES LAW

Section

1055.10 Definitions

1055.20 Application for Participation

1055.30 Transfer, Withdrawal, Cancellation

AUTHORITY: Implementing Chapter 4 and authorized by Section 4-109(h) of the Illinois Anti-Theft and Abandoned Vehicles Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 4 and 4-109(h)].

SOURCE: Adopted at 19 Ill. Reg. _____, effective _____.

Section 1055.10 Definitions

For purposes of this Part, the following definitions shall apply:

"Registered owner" - A person who holds legal title of a vehicle registered in the State of Illinois.

"B.A.T." Program - the Motor Vehicle Theft Prevent Program as set forth in Section 4-109 of the I.V.C.

"First Division" - Those motor vehicles which are designed for the carrying of not more than 10 (ten) persons.

"Second Division" - Those vehicles which are designed for carrying more than 10 (ten) persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight, or cargo, those motor vehicles of the First Division remodelled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses.

Section 1055.20 Application for Participation

- a) Any resident of Illinois who is a registered owner of a motor vehicle of the First Division or of the Second Division under 8,000 pounds may participate in the "B.A.T." program.
- b) Requests for consent forms can be made by telephone to 1-800-608-0561 or in writing to:

BEAT AUTO THEFT PROGRAM
Illinois Secretary of State

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Department of Police
324 West Monroe
Springfield, Illinois 62756

Consent forms will also be made available to local law enforcement agencies and Driver's Services facilities for dissemination.

- c) A separate consent form provided by the Secretary of State will be required for each vehicle to be registered with the "B.A.T." Program. Only consent forms provided by the Secretary of State will be accepted.

- d) Consent forms shall be returned to the Secretary of State at the address given in subsection (b) above accompanied by check or money order made payable to the "Secretary of State" in the amount of \$5.00 (five dollars) per consent form.

- e) Upon verification of the applicant's information, the Secretary of State Police Inquiry Unit (P.I.U.) will assign a decal number to the applicant's registered vehicle and return mail a registration receipt form and decal to the applicant.

- f) P.I.U. will indicate that the vehicle/registered owner is participating in the "B.A.T." Program by "tagging" the Secretary of State Vehicle Registration file.

- g) Decal shall be affixed to the registered vehicle in the following manner:

- 1) On a First Division vehicle; in the lower left corner (driver's side) of the rear windshield.
- 2) On a Second Division vehicle; in the lower left corner (driver's side) of the rear windshield.
- 3) On a Second Division vehicle with no back window exposed; in the lower right hand corner of the driver's side window.
- 4) On a motorcycle; on the left side of the front fork.
- 5) Any other vehicle; as prescribed on a case by case basis by the Secretary of State.

Section 1055.30 Transfer, Withdrawal, Cancellation

- a) Neither decal nor registration in the "B.A.T." Program is transferrable.
- b) If registered vehicle is sold, it is the participant's responsibility to remove the decal from the vehicle and inform the Secretary of State via the cancellation/withdrawal form that the vehicle is to be withdrawn from the B.A.T. Program.
- c) No part of the registration fee is refundable.

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- 1) Heading of the Part: Dealers, Wreckers, Transporters and Rebuilders

- 2) Code Citation: 92 Ill. Adm. Code 1020

- 3) Section Numbers: Proposed Action:
1020.10 Amendment

- 4) Statutory Authority: Implementing Chapter 5 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 5 and 2-104(b)]

- 5) A Complete Description of the Subjects and Issues Involved: Rules and regulations regarding permit for trade show exhibitions, display exhibitions and off site sales for motor vehicle dealers.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this rulemaking contain incorporations by reference? No.

- 9) Are there any other proposed rulemakings pending on this part? No.

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Robert B. Powers
Assistant Counsel
Secretary of State's Office
298 Howlett Building
Springfield, Illinois 62756
217-785-3094

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

- 13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas:

The full text of the Proposed Amendment begins on the next page:

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lubricant, the sale of automobile tires, the leasing of automobiles, insuring automobiles and financing of automobiles sold by the licensed dealers engaged in these businesses. Licensed dealers engaged in operating businesses other than those stated herein shall remove such businesses or modify them to comply with this rule within 60 days of notification by the Secretary of State, or be subject to the revocation or suspension of their dealers license.

- 7) Dealership in a Department Store - Where a dealer maintains a place of business within a department store, the dealership shall be separated from other operations within the department store.
- 8) Sign - Display a permanent sign bearing the name of the dealership which shall be properly illuminated if open after sundown and which shall be visible from the highway leading to the established place of business.
- 9) Display a federally required pricing document on all new motor vehicles held for sale.
- 10) If the premises are leased, such lease must be for at least the duration of the current licensed period.

b) Supplemental Lots

An Illinois licensed dealer may operate as an additional place of business a permanent supplemental lot which will meet all the requirements of subsections (a)(1) through (a)(10) of this Section, except the records required to be kept shall be maintained at the principal place of business of the dealership, as defined by Section 1-164 of the I.V.C., unless the supplemental lot is more than one mile from the main dealerships. The one mile shall be measured by the most direct road between the dealership and the supplemental lot.

- 1) A licensed dealer shall apply for the supplemental lot authorization when he/she files the application required by Sections 5-101 or 5-102 of the I.V.C. or he/she may file an application to add a supplemental lot during the license period.
- 2) The fee for a license to operate a supplemental lot is \$25 or \$12.50 as provided in Sections 5-101 (b)(7) and 5-102(b)(5) of the I.V.C.
- 3) No vehicle sales at supplemental lots shall be allowed on Sundays except as provided for in Section 5-106 of the I.V.C.

c) Trade-Showing-or-Exhibition

An Illinois licensed dealer may operate as an additional place of business an exhibition area in a trade show or exhibition, provided:

- 1) The licensed dealer has a currently valid new or used vehicle dealer license issued by the Secretary of State;
- 2) The licensed dealer has provided the Secretary of State with a copy of the written contract with the agency or person or other entity sponsoring, creating or supervising the trade show or exhibition for which application is made, or a letter from the show sponsor stating the duration of the trade show or

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exhibition, and an application for the trade show or exhibition supplemental license containing the name of the dealership, its license number, the location and dates of the trade show or exhibition, and signed by the licensed dealer.

- 3) A permit for an additional location granted for a trade show or exhibition shall in no event be valid for more than thirty (30) days from the date of the first day of the trade show or exhibition for which it is granted.
- 4) The requirements of subsection (a)(1) through (a)(7) of this Section shall not be required in granting to a licensed dealer a permit for an additional place of business in a trade show or exhibition, where the requirements are inapplicable to a trade show or exhibition.
- 5) No permit granted for an additional location in a trade show or exhibition may be transferred or removed to another location.
- 6) The fee for a permit to operate in a trade show or exhibition shall be \$10.00 per permit.
- 7) Regardless of the dates of the trade show or exhibition, no vehicle sales will be allowed on Sundays except as provided for in Section 5-106 of the I.V.C.

c) Trade Show Exhibition, Display Exhibition and Off Site Sale

A licensed dealer may operate as an additional place of business an exhibition area in a trade show exhibition, display exhibition, or off site sale, provided:

- 1) The trade show exhibition, display exhibition or off site sale must be conducted separate and away from the licensed dealer's established and additional places of business.
- 2) The licensed dealer has a currently valid new or used vehicle dealer's license issued by the Secretary of State of Illinois or another state where applicable.
- 3) The applicant dealer meets the requirements of subsection (7), (8) or (9) of this Section.
- 4) No permit granted for an additional location in a trade show exhibition, display exhibition or off site sale may be transferred nor removed to another location.
- 5) Regardless of the dates of the trade show exhibition, display exhibition or off site sale no vehicle sales will be allowed on Sunday except as provided for in Section 5-106 of the I.V.C.
- 6) The licensed dealer has provided the Secretary of State with a copy of the written contract with the agency or person or other entity sponsoring, creating or supervising the trade show exhibition, display exhibition or off site sale and an application for the trade show exhibition, display exhibition or off site sale supplemental license containing the name of the dealership, its license number, the location and dates of the trade show exhibition, display exhibition or off site sale, and signed by the licensed dealer.

7) Trade Show Exhibitions

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A) A permit for an additional location granted for a trade show exhibition shall in no event be valid for more than thirty (30) days from the date of the first day of the trade show exhibition for which it is granted.

B) The fee for a permit to operate in a trade show exhibition shall be \$10.00 per permit.

C) No vehicles may be offered for sale.

D) Each trade show exhibition must have a minimum of three (3) licensed participants, at least two of which must be licensed under Section 5-101 or 5-102 of the I.V.C., who all meet the requirements in subsections (1) through (6) of this Section.

E) A trade show exhibition of new vehicles shall only have participants licensed as new vehicle dealers, at least two of which must be licensed under Section 5-101 of the I.V.C., and meet the requirements in subsections (1) through (6) of this Section.

8) Display Exhibitions

A) Only a new or used vehicle dealer licensed under Section 5-101 or 5-102 of the I.V.C., who also meets the requirements of subsections (1) through (6) of this Section, may participate in a display exhibition.

B) A permit for an additional location granted for a display exhibition shall in no event be valid for more than thirty (30) days from the date of the first day of the display exhibition for which it is granted.

C) The fee for a permit to operate in a display exhibition shall be \$10.00 per permit.

D) No vehicles may be offered for sale.

9) Off Site Sales

A) Only a dealer licensed under Section 5-101 or 5-102 of the I.V.C., who also meets the requirements of subsections (1) through (6) of this Section, may conduct an off site sale.

B) The off site sale must not be conducted out of the licensed dealer's relevant market area, as defined in Section 5-100 of the I.V.C. This does not apply to off site sales of motor homes or recreational vehicles.

C) A permit for an additional location granted for an off site sale shall in no event be valid for more than seven (7) days from the date of the first day of the off site sale for which it is granted.

d) Each person seeking to be or already duly licensed as a scrap processor, automotive parts recycler, rebuilder, repairer or out of state ~~salvage~~ salvage buyer under the I.V.C. shall maintain an established place of business which shall meet the requirements contained in subsection (a) above, except that no lot as set forth in subsection (a)(6) above is required. However, if open after sundown, the premises shall be adequately illuminated so that prospective

purchasers may inspect the items held for sale.
e) None of the requirements of this Section shall apply to the place of business of a vehicle auctioneer licensed under Chapter 5, Article VII of the I.V.C.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: David A. DeBolt Teacher Shortage Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2764

3) Section numbers: Proposed Action:

2764.10	New
2764.20	New
2764.30	New
2764.40	New
2764.50	New

- 4) Statutory Authority: Implementing Section 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/65.55] and authorized by Sections 20(f) and 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.55].

- 5) A Complete Description of the Subjects and Issues Involved: Public Act 88-0228 transferred administrative responsibility for ten scholarships and grant programs from the Illinois State Board of Education (ISBE) to ISAC. Seven of these programs were state-funded scholarship programs which were generally related to teaching. Importantly, the Act authorized ISAC to consolidate these programs "into one program whereby awards are made in the areas of outstanding students, minorities and shortage areas."

Following an intensive study of these programs, ISAC opted to exercise its statutory authority to restructure the seven previous programs into a single new program, the David A. DeBolt Teacher Shortage Scholarship. This new program encourages academically talented students to pursue careers as teachers in disciplines that have been designated as teacher shortage areas by the ISBE, with a priority given to minority applicants.

These proposed rules govern the administration of the new DeBolt Teacher Shortage Scholarship Program. These rules set forth the eligibility criteria for applicants, the selection criteria for DeBolt Scholars, and the procedures for the awarding of assistance under this program.

- 6) Will this proposed amendment replace an emergency rule currently in effect? Yes. The emergency rules for this Part became effective on February 1, 1995, and were published at 19 Ill. Reg. 976 on February 3, 1995.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed amendment contain incorporations by reference? No.

- 9) Are there any other amendments pending on this Part? No.

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NOTICE OF PROPOSED RULES

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3] and does not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
(708) 948-8500

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

- 13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas:

The full text of the proposed rules begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2764

DAVID A. DEBOLT TEACHER SHORTAGE SCHOLARSHIP PROGRAM

Section	
2764.10	Summary and Purpose
2764.20	Definitions
2763.30	DeBolt Scholar Eligibility
2764.40	Program Procedures
2764.50	Institutional Procedures

AUTHORITY: Implementing Section 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/65.55] and authorized by Sections 20(f) and 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.55].

SOURCE: Emergency rules adopted at 19 Ill. Reg. 976, effective February 1, 1995, for a maximum of 150 days; adopted at 19 Ill. Reg. _____, effective _____.

Section 2764.10 Summary and Purpose

- a) The David A. DeBolt Teacher Shortage Scholarship encourages academically talented students to pursue careers as public preschool, elementary and secondary school teachers in disciplines that have been designated as Teacher Shortage Disciplines in the State of Illinois with a priority given to Minority Students.
- b) This Part establishes the rules which govern the David A. DeBolt Teacher Shortage Scholarship Program. Additional rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

Section 2764.20 Definitions

"Cost of Attendance" - defined at Section 472 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 108711).

"Cumulative Grade Point Average" - The average grade earned throughout a student's postsecondary educational program. The calculation shall be consistent with the Institution's established policy or practice and shall be the same as that which is used for admission, placement, or other similar purposes.

"DeBolt Scholar" - An individual who receives scholarship assistance

ILLINOIS STUDENT ASSISTANCE COMMISSION

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under this Part.

"Expected Family Contribution" - For the purposes of this Part, the Expected Family Contribution shall be the amount determined pursuant to Title IV, Part F of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1087kk et seq.).

"Minority Student" - For the purposes of this Part, is defined at 23 Ill. Adm. Code 2763.20, Minority Teachers of Illinois (MTI) Scholarship Program, Definitions, "Minority Student".

"Qualified Applicant" - An Applicant who meets the requirements of Section 2764.30, DeBolt Scholar Eligibility.

"Renewal Applicant" - An applicant who was a DeBolt Scholar during any term of the prior Academic Year and who maintains eligibility in accordance with Section 2764.40(d) of this Part.

"Teacher Education Program" - A postsecondary course of study which, upon completion, qualifies a student to be certified as a preschool, elementary or secondary school teacher by the Illinois State Board of Education (ISBE). For a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a Teacher Education Program.

"Teacher Shortage Discipline" - An academic discipline in which a shortage of teachers exists in Illinois, as designated by the ISBE.

Section 2764.30 DeBolt Scholar Eligibility

- a) A completed application must be received in ISAC's Deerfield office on or before May 1 immediately preceding the Academic Year for which the scholarship is being requested, in order to receive priority consideration.
 - b) In addition to submitting an application on a timely basis, a Qualified Applicant must be:
 - 1) a United States Citizen or an Eligible Noncitizen;
 - 2) a Resident of Illinois;
 - 3) a high school graduate or a person who has received a General Educational Development Certificate (GED); and
 - 4) Enrolled, or accepted for enrollment, on at least a half-time basis at the sophomore level or above in a Teacher Education Program at an eligible Illinois public or private university or college and seeking initial certification in a Teacher Shortage Discipline.
 - c) Applicants will be notified if they are not Qualified Applicants. Such an Applicant may appeal a finding of ineligibility in accordance

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with 23 Ill. Adm. Code 2700.70, Appeal Procedures.

- d) All applicants must also apply for federal student financial aid to determine the expected family contribution (EFC) because the EFC will be used as part of the selection criteria for the purpose of determining eligibility for the DeBolt Teacher Shortage Scholarship.
- e) If the student section of an application is incomplete, notice will be sent to the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when the student section is complete and received in ISAC's Deerfield office.
- f) Prior to receiving scholarship assistance for any Academic Year, the Qualified Applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following:
 - 1) a pledge on the part of the DeBolt Scholar to teach for one year for each year of scholarship aid received in the Teacher Shortage Discipline for which the recipient applied, or any portion of a year for which aid was received, under this Part;
 - 2) a stipulation that such teaching requirement will be fulfilled within the five-year period following termination of the postsecondary education degree or certificate program for which the scholarship was awarded;
 - 3) a stipulation that such teaching requirement will be fulfilled at an Illinois public preschool, elementary or secondary school; and
 - 4) a further stipulation that, if the teaching requirement is not fulfilled, the scholarship converts to a loan and the DeBolt Scholar must repay the entire amount of the scholarship(s) prorated to the fraction of the teaching obligation not completed, plus interest at a rate no greater than the highest rate applicable to student loans under the Federal Family Education Loan Program and, if applicable, reasonable collection fees.
- g) A DeBolt Scholar shall not be in violation of the teaching agreement, and thus shall not be required to commence repayment as set forth in subsection (f) of this Section, if the recipient:
 - 1) serves, for not more than three years, as a member of the United States armed services;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is seeking and unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (f)(3) of this Section, and is able to provide evidence of that fact; or
 - 4) withdraws from a course of study leading to a teacher certification in a Teacher Shortage Discipline, but remains enrolled at least half-time in another academic discipline.
- h) A DeBolt Scholar shall not be required to repay the amount of the scholarship(s) received if s/he becomes permanently totally disabled,

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as established by the sworn affidavit of a licensed physician (see e.g., 34 CFR 653.42(k)(i)), or if his or her representative provides ISAC with a death certificate or other evidence that the Scholar has died.

- i) Renewal Applicants may receive a subsequent award even if their discipline is no longer on the approved list of Teacher Shortage Disciplines.
- j) A DeBolt Scholar may receive up to 8 semesters/12 quarters of scholarship assistance under this program.
- k) Scholarship funds are applicable toward two semesters/three quarters of half-time and full-time study within an Academic Year.

Section 2764.40 Program Procedures

- a) Applications for the DeBolt Teacher Shortage Scholarship Program are available from qualified institutions throughout Illinois, state legislative and federal congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.
- b) ISAC shall accept applications to be a DeBolt Scholar (or Scholar) in accordance with Section 2764.30 of this Part, DeBolt Scholar Eligibility.
- c) ISAC shall identify Qualified Applicants from applications submitted by the established deadline date.
- d) ISAC shall select the DeBolt Scholars from among Qualified Applicants based on the following criteria:
 - 1) Cumulative Grade Point Average (GPA). Cumulative GPAs will be prioritized from the highest to the lowest. All GPAs will be converted to a four-point scale.
 - 2) Expected Family Contribution (EFC). EFCs will be prioritized from the lowest to the highest.
 - 3) Minority Student Status. Minority Students shall receive priority consideration.
 - 4) Renewal Applicant Status. Renewal Applicants shall receive priority consideration provided the student:
 - A) continues to maintain a Cumulative GPA of no less than 2.5 on a 4.0 scale;
 - B) maintains his or her status as a Qualified Applicant, as outlined in Section 2764.30(b) of this Part, DeBolt Scholar Eligibility;
 - C) continues to advance satisfactorily toward the attainment of degree in a Teacher Shortage Discipline; and
 - D) has submitted an application on a timely basis.
 - 5) If all other criteria are equal, priority consideration will be given to the Qualified Applicant who submitted his or her completed application to ISAC on the earliest date.
- e) The total number of scholarships awarded in a given fiscal year is contingent upon available funding.
- f) To the extent necessary to administer this program within the limits

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of the State appropriation, the Commission may adjust the priority consideration factors established by this Section.

- g) ISAC shall annually establish and publicize guidelines for the awarding of DeBolt Scholarships.
- h) Notice of eligibility shall be sent to each Qualified Applicant who is selected to receive a DeBolt Scholarship. A notice will be sent to each Qualified Applicant who is not selected to receive a DeBolt Scholarship.

Section 2764.50 Institutional Procedures

a) The Institution shall submit application information for Qualified Applicants in sufficient time for ISAC to make award announcements.

b) The Institution shall submit the certification of eligibility for Qualified Applicants with its request for payment.

c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of Terms financed by the scholarship, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the Academic Year for which the scholarship is being awarded or when a DeBolt Scholar is attending only one Term and the maximum award does not exceed the Scholar's Cost of Attendance.

d) Funds shall be remitted by ISAC to Institutions on behalf of the DeBolt Scholar(s).

e) Upon receipt of scholarship funds, the Institution shall verify the DeBolt Scholar's enrollment status. If the DeBolt Scholar is Enrolled, the Institution may credit the scholarship funds to the Scholar's account for expenses then due and payable. The balance of the disbursement shall be released to the Scholar. If the recipient has withdrawn from enrollment, the Institution shall return the total amount of the scholarship to ISAC.

f) Scholarship Amount

1) In accordance with this subsection, the Institution at which the DeBolt Scholar is enrolled shall compute the amount of the scholarship. The DeBolt Scholar must have reviewed and signed the Teaching Agreement/Promissory Note prior to the receipt of any scholarship assistance.

2) DeBolt Teacher Shortage Scholarships are applicable only toward tuition and fee and room and board charges or commuter allowances, if applicable.

3) The annual scholarship awarded to a Qualified Applicant must not exceed:

A) tuition and fees plus room and board expenses charged by the Institution; or

B) tuition and fees plus the Institution's standard cost of living allowance for students living off-campus; or

C) a maximum of \$3,000.

4) The total amount of DeBolt Teacher Shortage Scholarship

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assistance awarded to a Qualified Applicant in a given Academic Year, when added to the other financial aid available to the Qualified Applicant for that year, cannot exceed the Cost of Attendance.

5) In any Academic Year in which the Qualified Applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois Scholarship Program (23 Ill. Adm. Code 2763), or the Special Education Tuition Waiver Program (23 Ill. Adm. Code 2765), the Qualified Applicant shall not be eligible for scholarship assistance under this Part.

6) A Qualified Applicant may receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the DeBolt Scholar's Cost of Attendance exceeds the amount of the DeBolt Scholarship.

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Freedom of Information

2) Code Citation: 2 Ill. Adm. Code 601

3) Section Numbers: Adopted Action:

601.200 Amendment

601.400 Amendment

601.APPENDIX D Amendment

601.APPENDIX E Amendment

4) Statutory Authority: Implementing and authorized by Section 3(g) of the Freedom of Information Act (Ill. Rev. Stat. 1991, ch. 116, par. 203(g)) [5 ILCS 140/3(g)] and Section 5-15 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-15) [5 ILCS 100/5-15].

5) Effective Date of Amendments: March 17, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do the adopted amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 6, 1995

9) Notice of Proposal Published in Illinois Register: Prior publication in the Illinois Register is not required.

10) Has JCAR issued a Statement of Objections to these rules? Prior review by JCAR is not required.

11) Differences between proposal and final version: None. See response to question number 9.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Prior review by JCAR is not required.

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This part is being amended to change the address of the office because it has relocated.

16) Information and questions regarding these Amendments should be directed to:

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

Richard C. Hanson
Office of the Auditor General
100 West Randolph Street, Suite 4-100
Chicago, Illinois 60601-3219
(312) 814-4072

The full text of the adopted amendments begins on the next page:

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE C: CONSTITUTIONAL OFFICERS
CHAPTER V: AUDITOR GENERAL

PART 601

FREEDOM OF INFORMATION

SUBPART A: INTRODUCTION

Section
601.100 Summary and Purpose
601.110 Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section
601.200 Person to Whom Requests are Submitted
601.210 Form and Content of Requests

SUBPART C: PROCEDURES FOR RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section
601.300 Time for Response
601.310 Types of Responses

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section
601.400 Appeal of a Denial
601.410 Auditor General's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTERS

Section
601.500 Inspection of Records
601.510 Copies of Public Records
601.520 General Materials Available From the Freedom of Information Officer

APPENDIX A Request for Public Records
APPENDIX B Fee Schedule for Duplication and Certification of Public Records
APPENDIX C Approval of Request for Public Records
APPENDIX D Denial of Request for Public Records
APPENDIX E Partial Approval of Request for Public Records
APPENDIX F Deferral of Response to Request for Public Records
APPENDIX G FOIA Appeal/Auditor General's Response

AUTHORITY: Implementing and authorized by Section 3(g) of The Freedom of

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

Information Act (Ill. Rev. Stat. 1991, ch. 116, par. 203(g)) [5 ILCS 140/3(g)]
and Section 5-15 of The Illinois Administrative Procedure Act (Ill. Rev. Stat.
1991, ch. 127, par. 1005-15) [5 ILCS 100/5-15].

SOURCE: Adopted at 9 Ill. Reg. 1027, effective January 16, 1985; amended at 18
Ill. Reg. 7739, effective May 9, 1994; amended at 19
4995, effective MAR 17 1995.

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 601.200 Person to Whom Requests are Submitted

Requests for public records shall be submitted to the Freedom of Information
Officer of the Office of the Auditor General. Requests shall be submitted to
the following address:

Librarian/FOIA Officer
Office of the Auditor General
Marriott-Commerce-Building--Room-100
509--South-Sixth-Street
Springfield--Illinois--62701-1070
Iles Park Plaza
740 East Ash
Springfield, Illinois 62703-3154
(217) 782-1055

(Source: Amended at 19 Ill. Reg. 4995, effective
MAR 17 1995)

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section 601.400 Appeal of a Denial

a) A requester whose request has been denied by the Freedom of
Information Officer may appeal the denial to the Auditor General. The
notice of appeal shall be made in writing and sent to:

The Auditor General
Marriott-Commerce-Building--Room-151
509--South-Sixth-Street
Springfield--Illinois--62701-1070
Iles Park Plaza
740 East Ash
Springfield, Illinois 62703-3154

AUDITOR GENERAL
NOTICE OF ADOPTED AMENDMENTS

Section 601.APPENDIX D Denial of Request for Public Records

TO: Name _____ FROM: _____
Address _____ Auditor General's Office
Phone Number _____ Address _____

DESCRIPTION OF REQUESTED RECORD(S):

Your request dated _____ for the above-captioned records has been denied.

_____ The materials requested are confidential under the Illinois State Auditing Act (Ill. Rev. Stat. 1991, ch. 15, pars. 303-11 and 306-1) [30 ILCS 5/3-11 and 5/6-1] and implementing Regulations (74 Ill. Adm. Code 420: Subpart G).
_____ The request creates an undue burden on the public body in accordance with Section 3(f) of The Freedom of Information Act, and we were unable to negotiate a more reasonable request. Compliance with the request would cause an undue burden on the Office of the Auditor General for the following reason(s):

_____ The materials requested are exempt under Section 7 of The Freedom of Information Act for the following reasons:

The individuals who have reached the determination that the records you have requested are to be denied are:

1)

2)

You have the right to appeal the denial of the records you have requested to

AUDITOR GENERAL
NOTICE OF ADOPTED AMENDMENTS

b) The notice of appeal shall include a copy of the original request, a copy of the denial received by the receiver, and a statement of the reasons why the appeal should be granted.

(Source: Amended at 19 Ill. Reg. 4995, effective MAR 17 1995)

AUDITOR GENERAL
NOTICE OF ADOPTED AMENDMENTS

the Auditor General by submitting a written notice of appeal to:

The Auditor General
Marrtett-Commerce-Building--Room-151
599-South-Sixth-Street
Springfield--Illinois--62701-1070
Iles Park Plaza
740 East Ash
Springfield, Illinois 62703-3154

In submitting your notice of appeal, you should include copies of your original request and this denial, and state any reason(s) why your appeal should be granted.

FOIA Officer _____ Date _____
(Source: Amended at 19 Ill. Reg. 4995, effective
MAR 17 1995)

AUDITOR GENERAL
NOTICE OF ADOPTED AMENDMENTS

Section 601.APPENDIX E Partial Approval of Request for Public Records

TO: _____ FROM: _____
Name FOIA Officer
Address Auditor General's Office
Address
Phone Number

DESCRIPTION OF REQUESTED RECORD(S):

Your request dated _____ for the above-captioned records has been partially approved. Those parts of your request which have been approved:

_____ are enclosed.
_____ will be made available upon payment of copying costs in the amount
_____ of _____
_____ may be inspected at _____ on _____

The following portions of your request have been denied for the reason(s) cited:

The individuals who have reached the determination that the records you have requested are to be partially denied are:

- 1)
- 2)

You have the right to appeal the partial denial of the records you have requested to the Auditor General by submitting a written notice of appeal to:

The Auditor General
Marrtett-Commerce-Building--Room-151
599-South-Sixth-Street
Springfield--Illinois--62701-1070
Iles Park Plaza
740 East Ash
Springfield, Illinois 62703-3154

In submitting your notice of appeal, you should include copies of your original

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request and this partial denial, and state any reason(s) why your appeal should be granted.

FOIA Officer

Date

(Source: Amended at 19 Ill. Reg. **4995**, effective
MAR 17 1995)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: Health/Life Safety Code for Public Schools

2) Code Citation: 23 Ill. Adm. Code 180

3) Section Number: Adopted Action:

180.10 New Section
180.20 New Section
180.30 New Section
180.40 New Section
180.50 New Section
180.60 New Section
180.70 New Section
180.80 New Section
180.100 New Section
180.110 New Section
180.120 New Section
180.200 New Section
180.210 New Section
180.220 New Section
180.230 New Section
180.240 New Section
180.300 New Section
180.310 New Section
180.320 New Section
180.330 New Section
180.340 New Section
180.400 New Section
180.410 New Section
180.420 New Section
180.500 New Section
180.510 New Section
180.520 New Section
180.530 New Section
180.540 New Section

4) Statutory Authority: 105 ILCS 5/2-3.12, 2-3.25, and 17-2.11

5) Effective Date of Rules: March 24, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? Yes. See Sections 180.60, 180.90(e), and 180.200(b)(1) and (2).

8) Date Filed in Agency's Principal Office: March 1, 1995.

9) Notice of Proposal Published in Illinois Register: July 1, 1994; 18 Ill.

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Reg. 9671.

10) Has JCAR issued a Statement of Objections to these rule(s)? No

11) Difference(s) between proposal and final version: The table of contents has been changed by deleting the reference to Section 180.90; by changing the title of Section 180.220 to "Inspections Upon Completion of Construction"; by changing the title of Section 180.300 to "Regional Superintendent's Annual Building Inspection"; by adding a new Section 180.540, Cost Estimates; and by deleting the reference to Subpart G and all the Section numbers and titles in that Subpart.

Section 180.10: Subsection (a) has been amended so that the first line states "...to establish minimum standards...". Subsection (c) has been deleted.

Section 180.30: The definition of "Approved Inspection Agency" has been expanded to read, "Approved Inspection Agency" (also commonly referred to as "Nationally Recognized Testing Laboratory") means....".

The definition of "Engineer" has been rewritten to state, "licensed to practice in Illinois under either the Illinois Professional Engineering Practice Act of 1989 [225 ILCS 325] or the Structural Engineering Licensing Act of 1989 [225 ILCS 340] and the applicable administrative rules of the Department of Professional Regulation (68 Ill. Adm. Code 1380 or 68 Ill. Adm. Code 1480, respectively)."

The definition of "Minor Repairs" has been changed to refer to "any repairs to an individual building or structure which are not subject to the bidding requirements of Section 10-20.21 of the School Code, with the following exceptions:".

The statutory citation in the definition of "The School Code" has been changed to "[105 ILCS 5]".

Section 180.40: The word "Part" which appears in subsection (a) has been capitalized.

Section 180.50: Subsection (b) has been amended by deleting the entire last sentence and the reference to the relevant Section of the School Code. The last sentence in subsection (d) has been changed to read, "The regional superintendent is authorized, if he or she deems necessary, to engage expert opinion."

Section 180.60: The introductory text has been changed to read as follows: "After the effective date of this Part, March 24, 1995, every facility other than a mobile facility shall conform to the "BOCA National Building Code" published by the Building Officials and Code Administrators

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(1993; 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795), as modified by subsections (a) through (d) of this Section, unless a variance or waiver is obtained pursuant to Section 180.70 of this Part; No later amendments to or editions of these standards are incorporated by this rule. The effective date called for in Section 3408.2 of the BOCA National Building Code shall be the effective date of this Part. BOCA permits a facility constructed prior to the effective date of this Part, March 24, 1995, to be maintained in compliance with the building code that previously applied to the facility and provides separate provisions governing the alteration, repair, change of occupancy, replacement of component parts or systems, and enlargement of an existing facility. (BOCA, Section 102.2; Chapter 34.)"

Subsection (a) has been made more specific by inserting "Sections 101, 103-108, 110-114, 116 and 118-121 of" before "Chapter 1 of the BOCA National Building Code".

Section 180.90: This Section has been deleted in its entirety from this location in the rules and has been replaced within Subpart F as Section 180.540.

Section 180.120: The requirement, 'on sheets no larger than 11" by 17"' has been deleted from subsection (e). In subsection (f), 'on a sheet no larger than 11" X 17"' has been deleted, and the phrase "at a scale" has been corrected to "to a scale".

Section 180.200: Subsection (b)(2) has been amplified by adding, "or the "Uniformat II" published by the American Society for Testing and Materials (1993; 1916 Race Street, Philadelphia, Pennsylvania 19103-1187)".

Subsection (e) has been amplified by adding after "closed, prefabricated mechanical system" the phrase "(e.g., a window air conditioner or heating, ventilating, air conditioning (HVAC) unit)". The word "verify" in this subsection has also been corrected to "verified".

Section 180.210: Subsection (b) has been deleted and subsections (c) and (d) have thus been redesignated as (b) and (c).

Section 180.220: The title of this Section has been changed to "Inspections Upon Completion of Construction". All of subsections (a) and (b) have been deleted, so that subsection (c) remains as the only text of the Section and is no longer labelled as a subsection. The phrase "a final inspection" in the first sentence has been changed to "an inspection".

Section 180.230: A phrase has been added to subsection (b) to state in part: "safety reference plans for the facility certified by an architect or engineer to be in compliance with this Part,".

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Section 180.240: An example has been added to subsection (b), following "as part of proposed work": "(e.g., temporary removal of a fence to accommodate construction machinery)".

Section 180.300: The first sentence has been shortened by deleting "following the procedures outlined in this Section and". All of subsections (a) through (e) have been deleted, so that subsections (f) through (h) have become (a), (b), and (c). The new subsection (a) now states, "The regional superintendent shall visit each facility and shall issue....".

Section 180.310: The last sentence in subsection (a) has been deleted.

Section 180.320: The introductory language has been expanded by the addition of the following language: ", which may be communicated electronically when such communication is authorized by the State Superintendent of Education".

Section 180.330: An incorrect comma has been deleted following "Safety Survey Report".

Section 180.340: The procedures outlined in this subsection (a) have been made more explicit by expanding the text to state, "If the regional superintendent finds that the Safety Survey Report and relevant floor plans are complete and correct, he or she shall approve the report; if the regional superintendent finds that the report and floor plans are incomplete or contain errors, he or she shall so notify the board of education in writing. If the district fails to correct the errors or omissions, the regional superintendent shall disapprove the report. In either case, the regional superintendent shall forward the report and any floor plans to the State Superintendent for approval or disapproval."

An incorrect comma has been removed from subsection (c), after "disapprove the report".

Section 180.400: The word "the" has been inserted into the first sentence of subsection (b)(1), before "regional superintendent".

Section 180.410: A comma has been inserted into the last sentence of subsection (a): "Such conditions may include, but are not limited to, the following:".

Section 180.500: A phrase has been added to subsection (a)(4), to state, ", including a brief description of each violation and the recommended correction". Subsection (a)(5) has been deleted so that subsection (6) has been renumbered as (5). Subsections (1) through (4) have been changed to end with a comma and the word "and".

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Section 180.530: The word "the" has been inserted before "State Superintendent" in subsection (b)(3).

Section 180.540: This Section was created by moving the title and text from Section 180.90 and amending it as follows.

The word "part" in the first line of subsection (a) has been changed to "Subpart". The phrase "or recommended" has been deleted from the end of subsection (a).

Subsection (b)(3) has been amended by deleting everything after "factors." Subsection (b)(4) has become (b)(7) because subsection (c) has been deleted, with subsections (c)(1), (2), and (3) renumbered as (b)(4), (5), and (6). The resulting subsection (b)(4) has been reworded to state: "The estimate shall be based upon the work to be performed as described in the violation and recommendation schedule." Subsection (b)(7) now states, "The resulting figure shall be referred to as the Adjusted Gross Estimated Cost." Subsection (d) has become (c), and a new subsection (c)(4) has been inserted: "The resulting figure shall be referred to as the Adjusted Gross Estimated Replacement Cost of the school." Subsection (e) has become (d); it has been rewritten to incorporate by reference the "ASTM Standards on Building Economics, Second Edition."

Finally, Subpart G has been deleted in its entirety.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace emergency rules currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: This new Part establishes standards for public school facilities which will protect the health, safety, and general welfare of pupils, school personnel, and others who use them. The requirements set forth in these rules will apply to all Illinois public school districts except those governed by Article 34 of the School Code. With certain exceptions, the new Part 180 incorporates the standards contained in the 1993 "BOCA National Building Code" published by the Building Officials and Code Administrators.

The rules also delineate administrative provisions needed for enforcement of the requirements, as well as describing procedures and recordkeeping needed in conjunction with the periodic inspections called for in the law. Provisions governing the use of Fire Prevention and Safety financing are also included.

16) Information and questions regarding these adopted rules shall be directed

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to:

John Dee
School Organization and Facilities Section
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
(217) 782-2962

- 17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

The full text of the adopted rules begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER d: CONSTRUCTION AND BUILDING MAINTENANCE

PART 180

HEALTH/LIFE SAFETY CODE FOR PUBLIC SCHOOLS

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180.30	Definitions
180.40	Responsibilities of Local School Board
180.50	Responsibilities of Regional Superintendent
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SUBPART C: CONSTRUCTION AND LIKE ACTIVITIES

Section	
180.200	Application for Building Permit
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Section	
180.300	Regional Superintendent's Annual Building Inspection
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180.320	Safety Survey Report
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180.340	Approval of Safety Survey Reports

SUBPART E: ADDRESSING VIOLATIONS

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Section

180.400 Violations
180.410 Unsafe Conditions
180.420 Temporary Closing and Condemnation

SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

Section

180.500 Request for Authorization
180.510 Initiation of Work
180.520 Accounting for Fire Prevention and Safety Funds
180.530 Emergencies
180.540 Cost Estimates

AUTHORITY: Implementing and authorized by Sections 2-3.12, 2-3.25, and 17-2.11 of the School Code [105 ILCS 5/2-3.12, 2-3.25, and 17-2.11].

SOURCE: Adopted at 19 Ill. Reg. 50041, effective

MAR 24 1995

SUBPART A: GENERAL PROVISIONS

Section 180.10 Purpose and Scope

- a) The purpose of this Part is to establish minimum standards for public school facilities which will protect the health, safety, and general welfare of the pupils, school personnel, and others who use them.
- b) The requirements set forth in this Part shall apply to all Illinois public school districts except those governed by Article 34 of the School Code. The facilities of districts governed by Article 34 shall comply with local building codes.

Section 180.20 Severability

If any provision of this Part or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part which can be given effect without the invalid provision or application, and to this end the provisions of this Part are declared to be severable.

Section 180.30 Definitions

"Annual Inspection" means the inspection conducted annually by a regional superintendent of all the public schools under his or her jurisdiction as required by Section 3-14.21 of the School Code.

"Approved Inspection Agency" (also commonly referred to as "Nationally Recognized Testing Laboratory") means any of the following:

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American Gas Association Laboratories

Central Experiment Station, Bureau of Mines, U.S. Department of the Interior

Engineering Experiment Station, Ohio State University

Factory Mutual Laboratories (Factory Mutual Engineering Division)

Forest Products Laboratory, U.S. Department of Agriculture

National Bureau of Standards, U.S. Department of Commerce

Southwest Research Institute

Underwriters' Laboratories, Inc.

Underwriters' Laboratories of Canada

"Architect" means an architect licensed to practice in Illinois under the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and the administrative rules of the Department of Professional Regulation which implement that Act (68 Ill. Adm. Code 1150).

"Change in Use" means any change in how an existing facility is operated, or the purpose for which it is used, that requires greater structural strength, changes in provisions for ingress or egress, or changes in the electrical system, plumbing system, heating, ventilating, and air conditioning system, fire protection system, or other system required by this Part.

"Construction Documents" means the written and pictorial documents prepared or assembled by a licensed design professional to describe the design, location, and physical characteristics of a project involving construction or other like activities subject to the requirements of this Part. Such documents include plans, specifications, inspection reports, test reports, maps, educational specifications, enrollment projections, maintenance logs, safety reference plans, and other, similar, descriptive documents.

"Plans" are drawings. They show what a building, system, or component looks like or will look like at a particular stage of construction.

"Specifications" are instructions. They identify materials to be used, methods to be employed, details and calculations to be considered, and the relationships among design components.

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"Decennial Inspection" means the inspection of all buildings in a school district conducted at least every 10 years as required by Section 2-3.12 of the School Code, which shall be conducted by a licensed design professional and shall result in a safety survey report as defined in this Section.

"Engineer" means an engineer licensed to practice in Illinois under either the Illinois Professional Engineering Practice Act of 1989 [225 ILCS 325] or the Structural Engineering Licensing Act of 1989 [225 ILCS 340] and the applicable administrative rules of the Department of Professional Regulation (68 Ill. Adm. Code 1380 or 68 Ill. Adm. Code 1480, respectively).

"Facility" means land, buildings, structures and improvements other than buildings, and permanent, fixed equipment attached to or incorporated in any building owned or used for school purposes by a school district subject to this Part. This definition excludes facilities owned by a school district but not used for public school purposes, which shall be subject to local building codes.

"Mobile Facility" means a vehicle used by students and/or staff as an alternative to a building or structure, and not for transportation.

"Licensed Design Professional" means either an architect or an engineer as defined in this Section.

"Like Activity" means any work involving or similar to construction which is performed with respect to any facility of a school district subject to the requirements of this Part, including but not limited to reconstruction, substantial alteration, repair, remodeling, renovation, or change in use. Repairs which qualify as minor repairs shall not be considered "like activities" subject to the requirements of this Part.

"Minor Repairs" are any repairs to an individual building or structure which are not subject to the bidding requirements of Section 10-20.21 of the School Code, with the following exceptions:

- Cutting away of any wall, partition, or portion thereof;
- Cutting or removal of a structural beam or load-bearing support;
- Removal of or change in a required means of egress;
- Rearrangement of parts affecting exit requirements;
- Addition to, alteration of, replacement, or relocation of any

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standpipe, drain leader, or gas, soil, waste, water supply, sewer drainage, vent or similar piping; electrical wiring; or mechanical or other required building system.

"Safety Survey Report" means a report prepared by a licensed design professional and ensuing from a decennial inspection required pursuant to Section 180.310 of this Part or another inspection conducted by a licensed design professional.

"School Building" or "School" means a building occupied in whole or in part by public school students or intended for occupancy by such students.

"The School Code" means the School Code [105 ILCS 5].

"Variance" means an alternative to a code requirement that is judged to provide equal or superior performance or protection compared to the code requirement, and is approved by the State Superintendent.

"Waiver" means an exemption from a code requirement that is approved by the State Superintendent because the applicable code requirement is shown to be either economically or technically unfeasible in the case at hand, and because exemption from the particular requirement does not pose a serious threat to the health or safety of the occupants of the facility in question.

Section 180.40 Responsibilities of Local School Board

- a) Each local school board shall maintain and operate every facility under its jurisdiction in full and continuous compliance with the requirements of this Part and shall visit and inspect the several schools for this purpose as the interests of the district may require.
- b) Each local school board shall comply with the recordkeeping requirements set forth in Subpart B of this Part.
- c) Each school board shall secure approval for any construction or like activity subject to the requirements of this Part and shall follow the procedures set forth herein.
- d) Prior to constructing or conducting like activity, purchasing, leasing, or renewing a lease for any building or temporary facility, a local school board shall submit to the regional superintendent for approval the construction documents and/or safety reference plans for it. No facility shall be occupied before the regional superintendent has issued a certificate of occupancy.

Section 180.50 Responsibilities of Regional Superintendent

- a) The regional superintendent shall enforce the provisions of this Part and shall act on any question relative to the installation,

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alteration, repair, maintenance or operation of facilities owned, operated, or used by school districts within or subject to his or her jurisdiction.

- b) The regional superintendent shall receive applications and issue permits for the occupancy, construction, substantial alteration, repair, remodeling, renovation, demolition, movement, or change in use of facilities owned, operated, or used by school districts as required by this Part, including applications for authority to raise or use fire prevention and safety funds.
- c) The regional superintendent shall issue all necessary notices and orders to ensure compliance with this Part.
- d) The regional superintendent shall make or cause to be made all inspections required by Sections 3-14.21 and 3-14.22 of the School Code. All reports of such inspections shall be in writing. The regional superintendent is authorized, if he or she deems necessary, to engage expert opinion.
- e) Whenever inspections are necessary by any other department or agency, the regional superintendent shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other responsible departments or agencies for the purpose of eliminating conflicting orders before any are issued.
- f) The regional superintendent shall keep official records of applications received, permits and certificates issued, reports of inspections, and notices and orders issued. Such records shall be retained as long as the facilities to which they relate remain in existence.
- g) The regional superintendent shall report annually to the State Board of Education on or before October 1, summarizing all of the transactions relating to the administration and enforcement of this Part for the fiscal year ended on the preceding June 30. Such report shall be prepared on forms supplied by the State Board of Education.
- h) The regional superintendent and his or her designees shall carry proper identification when inspecting structures or premises in the performance of duties required by this Part.
- i) The regional superintendent and his or her designees are authorized to enter the structure or premises of any facility owned, operated or used by a school district in order to conduct the inspections necessary to ensure compliance with this Part. Prior to entering a space not otherwise open to the public, the regional superintendent shall make a reasonable effort to locate a responsible party, present proper identification, and request entry.

Section 180.60 Applicability

After the effective date of this Part, _____, every facility other than a mobile facility shall conform to the "BOCA National Building Code" published by the Building Officials and Code Administrators (1993; 4051 W. Flossmoor Road,

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Country Club Hills, Illinois 60478-5795), as modified by Sections (a) through (d) of this Section, unless a variance or waiver is obtained pursuant to Section 180.70 of this Part. No later amendments to or editions of these standards are incorporated by this rule. The effective date called for in Section 3408.2 of the BOCA National Building Code shall be the effective date of this Part. BOCA permits a facility constructed prior to the effective date of this Part, _____, to be maintained in compliance with the building code that previously applied to the facility, and provide separate provisions governing the alteration, repair, change of occupancy, replacement of component parts or systems, and enlargement of an existing facility. (BOCA, Section 102.2; Chapter 34.)

- a) The administrative provisions of this Part shall apply instead of the administrative provisions contained in Sections 101, 103-108, 110-114, 116 and 118-121 of Chapter 1 of the BOCA National Building Code.
- b) The Illinois Accessibility Code (71 Ill. Adm. Code 400) shall apply instead of the accessibility provisions set forth in Chapter 11 of the BOCA National Building Code.
- c) The requirements set forth in the Illinois Plumbing Code (77 Ill. Adm. Code 890) shall apply instead of those expressed in the BOCA National Plumbing Code incorporated in Chapter 35 of the BOCA National Building Code.
- d) The requirements set forth in the Illinois State Fire Marshal's rules titled Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120) shall apply instead of those expressed in the Boiler and Pressure Vessel Safety Code (ASME 89) published by the American Society of Mechanical Engineers and incorporated in Chapter 35 of the BOCA National Building Code.

Section 180.70 Variances and Waivers

- a) When a requirement or standard set forth in any code incorporated herein can be satisfied by an alternative means, or cannot be satisfied, a school board may apply for a variance or a waiver, respectively, as defined in Section 180.30 of this Part.
 - 1) In either case, the affected facility must have been surveyed by a licensed design professional.
 - 2) When a variance is sought, the architect or engineer conducting the survey shall certify and document in what particular respects the proposed alternative provides performance or protection equal or superior to that provided by the code requirement(s) from which a variance is sought.
 - 3) When a waiver is sought, the architect or engineer conducting the survey shall certify and document in what particular respects it is impracticable to comply with the particular code requirement, and upon what facts or basis he or she contends that the waiver of the code requirement will not pose a serious threat to the life or safety of the occupants of the facility.
- b) Procedure for Obtaining Variances and Waivers

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- 1) The board of education shall complete and submit an application for approval of a variance or waiver to the State Superintendent through the regional superintendent.
- 2) An application shall be submitted for each variance or waiver sought for a particular facility, and shall:
 - A) Specify whether a variance or a waiver is being sought;
 - B) Identify the board of education seeking the variance or waiver, the basis upon which it is seeking the variance or waiver, and the facility for which the variance or waiver is being sought;
 - C) Indicate the date upon which the board of education adopted a resolution to seek the variance or waiver;
 - D) Indicate the specific rule from which a variance or waiver is sought;
 - E) Include, by attachment, the statement(s), supporting documents, and certification of the architect or engineer who surveyed the facility; and
 - F) Be signed by the president and secretary of the board of education and the district superintendent.
- 3) Upon receipt of an application for approval of a variance or waiver, the regional superintendent shall record the identifying information, the date of submission, and the subject rule in his or her records and forward the application, his or her recommendation regarding its approval, and supporting materials to the State Superintendent.
- 4) Upon receipt of the application for approval of a variance or waiver, the State Superintendent may appoint a technical review panel which will review the application and supporting materials, recommend approval or denial of the variance or waiver, and recommend any special conditions under which approval should be granted.
- 5) The State Superintendent shall issue either a Certificate of Variance or Waiver indicating approval, the date, and any special conditions, or a letter of denial. He or she shall return the application, supporting materials, and certificate of denial to the regional superintendent for processing and forwarding to the board of education.
- 6) Upon receipt of the certificate, the regional superintendent shall amend his or her records to reflect the conditions and particulars of approval, if approved; or proceed with enforcement of the code if disapproved; and forward the documents to the district originating the application for implementation.
- c) Variances and waivers shall be subject to review and revocation:
 - 1) In conjunction with any substantial repair, alteration, new construction, or change in use that may affect the conditions upon which the variance or waiver was granted;
 - 2) If material facts upon which the variance or waiver was based change or are found to be false or erroneous;

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- 3) In the course of review and approval of the next decennial survey conducted in accordance with Subpart D of this Part; or
- 4) When a code is amended to incorporate the substance of a variance or delete a requirement previously waived.

Section 180.80 Mobile Facilities

A mobile facility may be used, provided that:

- a) It is licensed and/or titled as required by applicable provisions of the Motor Vehicle Code and rules promulgated by the Secretary of State or the Department of Transportation; and
- b) The regional superintendent has inspected the mobile facility and found that it does not pose a serious threat to the life or safety of its occupants; and
- c) It has received a certificate of occupancy from the regional superintendent.

SUBPART B: RECORDKEEPING REQUIREMENTS**Section 180.100 District Facility Records Required**

Each school board shall establish and maintain a facility inventory system encompassing all facilities as defined in Section 180.30 of this Part, whether owned by the school district or not owned by the district but used for school purposes.

Section 180.110 District Facility Inventory

- a) Within two years after the effective date of this Part, or as soon after that date as a district initiates a facility transaction (see subsection (b) below), whichever occurs first, each school board shall prepare, adopt, and submit to the regional superintendent and the State Superintendent of Education a District Facility Inventory on forms to be supplied by the State Board of Education.
- b) The District Facility Inventory shall be amended whenever a facility transaction is complete, i.e., whenever construction or any like activity is carried out, whenever any facility is acquired, newly leased, sold, or demolished, and whenever a lease is not renewed. Such amendments shall be submitted to the regional superintendent and State Superintendent within 60 calendar days after completion of such transactions.

Section 180.120 Safety Reference Plans

Safety reference plans shall serve as a means of indicating the safety-related conditions of a facility, as an aid in developing emergency exit plans, and in other circumstances where reference to overall layouts is necessary.

- a) Each local school board shall maintain up-to-date safety reference

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plans for all facilities owned or used by the district for any school purpose. These plans shall reflect all additions, alterations, and other changes to these facilities that affect the arrangement, use, rated capacity, student capacity, or other information required to be shown thereon. Each set of safety reference plans shall include:

- 1) A site plan meeting the requirements of subsection (e) of this Section;
 - 2) Schematic floor plans as described in subsection (f) of this Section;
 - 3) An attic plan meeting the requirements of subsection (h) of this Section, if required pursuant to subsection (g) of this Section; and
 - 4) Such additional drawings and or schedules as may be necessary to effectively describe the nature and operational characteristics of the facility in question.
- b) Safety reference plans shall be drawn to scale, using a medium suitable for reproduction and revision. Each safety reference plan and any revision thereto shall be titled, dated, signed, and certified by the architect or engineer responsible for its preparation.
- c) Two complete sets of safety reference plans shall be provided for each facility, one to be kept by the board of education in a safe place and one to be kept on the site to which it applies.
- d) Whenever safety reference plans are completed or up-dated, they shall be submitted to the regional superintendent for review and approval.
- e) Each site plan shall be drawn to a scale sufficient to show the required information clearly and legibly, and shall include a legend. The site plan shall include the location and identification of:
- 1) Highways, boulevards, avenues, or streets bordering the site;
 - 2) Each building or other structure on the site;
 - 3) Each building located on adjacent property less than 75 feet away from a school building;
 - 4) Public fire hydrants and municipal fire alarm boxes adjacent to or on the site;
 - 5) Utility supply services (water, gas, electricity, etc.) leading into the site and into each building or other structure, their size, and the location of shut-offs for each such service;
 - 6) Primary walkways, fire lanes, and bus loading and unloading zones;
 - 7) Play areas and automobile parking areas, and the surfacing material of each;
 - 8) Landscaping or other materials or areas on the site that might impede ingress or egress;
 - 9) Fences and gates, and their respective heights;
 - 10) Elevation with respect to sea level and location with respect to floodways and floodplains; and
 - 11) Unusual terrain.
- f) Each schematic floor plan shall be drawn for one floor of a building, to a scale sufficient to show the required information clearly and

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legibly, and shall include a legend. Each floor plan shall include the following information.

- 1) Identification of each fire area shown on the Plan, and a statement establishing the height in stories, construction type, protection classification and Plan classification of each such fire area.
 - 2) The elevation of each floor level with respect to the floor level of the lowest street floor. The street-floor plan shall show the difference in elevation between its floor level and the grade level outside at each point of ingress-egress from the building to a point 12 feet from the building line.
 - 3) The location of all existing or proposed partitions and walls, the identification of those partitions and walls required to have a fire resistance rating, and the rating so required.
 - 4) The identification of each room and space as to its occupancy and use.
 - 5) The designation of the rated population capacity and student enrollment capacity for each floor and each occupied room or space thereon.
 - 6) The identification of the areas protected or proposed to be protected by a sprinkler and/or fire detection system.
 - 7) The location, arrangement and width of each stairway, ramp, fire resistive passageway, fire escape and slide escape which serves as a required means of exit, and of each corridor, passageway, primary egress aisle or balcony which provides the required path of travel to each such exit.
 - 8) The location, direction of swing, width, type, and, where required, fire rating of each door located in the path of travel to a required exit or serving as part of a required exit.
 - 9) The locations of vertical openings and the existing or proposed protection for such openings.
 - 10) The existing or proposed locations of fire alarm boxes, fire alarm horns and lights, exit lights, emergency lighting, and fire alarm control panel.
 - 11) The location of primary air distributing or recirculating fans and designation of the areas served by each such fan.
 - 12) Location and identification of fuel burning equipment (both permanent and moveable).
 - 13) On the basement plan, or lowest street floor plan if no basement exists, the location and height of service tunnels and under-floor crawl spaces along with the existing or proposed method of separating such tunnel and spaces from adjacent occupied spaces.
- g) A plan shall be included for each attic:
- 1) Which is used, or can be used, for storage purposes; or
 - 2) Which is of combustible construction and used as an open-plenum chamber; or
 - 3) Which has an average clear height from the top of the ceiling

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below to the underside of the roof joists or slab (if no joists exist) of more than 42 inches.

- h) Each attic plan shall show:
- 1) The construction of the roof and ceiling;
 - 2) The slope of the roof and such other details as necessary to illustrate the size and arrangement of the attic;
 - 3) Access doors, ducts and other openings into the attic and existing or proposed protection for such openings;
 - 4) Existing or proposed fire-stopping for subdividing attics;
 - 5) The existing or proposed automatic protection (sprinkler or fire detection) and the area to be protected.

SUBPART C: CONSTRUCTION AND LIKE ACTIVITIES

Section 180.200 Application for Building Permit

No construction or other, like activity as defined in Section 180.30 of this Part shall begin until a building permit has been obtained pursuant to the following provisions.

- a) The school board shall file an Application for a Building Permit ("application") with the regional superintendent having jurisdiction over the board of education in question, on a form supplied by the State Board of Education. If the board is not the owner, the board shall attach an affidavit from the owner indicating the owner's consent for the proposed work.
- b) The completed application shall be accompanied by two copies of all relevant construction documents. Plans and specifications submitted as part of an application shall be prepared by or under the supervision of an architect or engineer. They shall bear the stamp of, and the following certification signed by, the responsible architect or engineer:

I hereby certify that these plans and specifications were prepared under my supervision and to the best of my knowledge comply with (here insert the code or codes, including the edition, upon which the plans and specifications were drawn).

These plans and specifications consist of the following:

(here list the plates or sheets constituting the plans & specifications)

(Seal) by _____

(Architect/Engineer Signature)

(Date Signed) _____

(Lic. # and Exp. Date)

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- 1) Plans shall be drawn to scale and be based upon the "Architectural Graphics Standards" published by the American Institute of Architects (1988; 1735 New York Avenue, NW, Washington, D.C. 20006). No later amendments to or editions of these standards are incorporated by this rule.
- 2) Specifications shall, to the greatest extent possible, be written in conformance with the Construction Specifications Institute's "Master format" published by John Wiley and Sons, Inc. (1988; 601 Madison Street, Alexandria, Virginia 22314), or the "Uniform at II" published by the American Society for Testing and Materials (1993; 1916 Race Street, Philadelphia, Pennsylvania 19103-1187). No later amendments to or editions of these standards are incorporated by this rule.
- 3) Whenever reference is made in plans or specifications to this Part or the codes incorporated by reference herein, such reference shall identify the specific edition, section and subsection(s) applicable to the subject in question.
- c) Upon receipt of an application, the regional superintendent shall record the date of submission by the school board and assign a unique identification number to said application. This identification number shall be used on all building permits issued pursuant to the application.
- d) The regional superintendent shall review the application, to determine whether or not the nature and extent of the proposed work are such as to require plans and specifications for the installation of a sprinkler system, as provided in 23 Ill. Adm. Code 170 (Sprinkler Systems).
 - 1) If a sprinkler system is required or proposed and the plans and specifications are included, he or she shall separate such plans and specifications and forward them to the State Board of Education for review and approval.
 - 2) If a sprinkler system is required but no plans and specifications are included, he or she shall notify the applicant of such deficiency.
 - 3) If no sprinkler system is required or proposed, he or she shall proceed with the review of the application and construction documents.
- e) If the proposed work involves the installation of a closed, prefabricated mechanical system (e.g., a window air conditioner or HVAC unit), the regional superintendent shall not issue a building permit until he or she has reviewed an evaluation report on such system from an approved inspection agency and verified that the report supports the use of the mechanical system in question as proposed.

Section 180.210 Issuance of Building Permit

The regional superintendent, after having determined that the plans and specifications submitted comply with all applicable requirements, shall approve

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such plans and specifications in writing. He or she shall record such approval and the date thereof on each of the copies submitted and shall issue the building permit(s) needed for the work approved.

- a) The building permit shall be construed as an authorization to proceed with the work approved. It shall not be construed as relieving the applicant and/or architect or engineer, contractor, or subcontractor of responsibility for compliance with the requirements of this Part.
- b) Any deviation from the approved plans and specifications must be approved, in writing, by the regional superintendent.
- c) A permit shall become invalid if the work authorized thereby is not begun within 6 months of the date of issuance.

Section 180.220 Inspections Upon Completion of Construction

Upon completion of construction or any like activity, and before issuance of a certificate of occupancy, the regional superintendent shall make a final inspection or cause such an inspection to be made. Any violations of the approved construction documents and building permit(s) shall be noted, and the holder of the permit shall be notified of the discrepancies. No certificate of occupancy shall be issued until such discrepancies have been remedied.

Section 180.230 Certificate of Occupancy

A certificate of occupancy shall be obtained prior to any occupancy of a facility. A certificate of occupancy shall be printed on a form supplied by the State Board of Education and may be either general or temporary.

- a) If requested to do so, a regional superintendent shall issue a temporary certificate of occupancy before completion of the entire work covered by a permit, provided that his or her inspection indicates that some area(s) can be occupied safely prior to full completion.
- b) If the work is complete and complies with the requirements of this Part, and upon presentation of accurate safety reference plans for the facility, certified by an architect or engineer to be in compliance with this Part, the regional superintendent shall issue a general certificate of occupancy.
- c) The regional superintendent shall respond to a request for a certificate of occupancy within 20 calendar days of his or her receipt of such a request.

Section 180.240 Demolition or Movement of Buildings or Other Structures

Demolition or movement of a building or other structure shall require a permit.

- a) Before a building or other structure is demolished or removed, the school district superintendent shall notify all utilities having service connections within the structure, such as water, electric, gas, sewer, telephone, and television connections. No permit to demolish or remove a building or other structure shall be issued until

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- a) a release is obtained from each affected utility.
- b) If temporary removal of buildings or other structures on adjoining lots is necessitated by and approved as part of proposed work, (e.g., temporary removal of a fence to accommodate construction machinery) the regional superintendent shall verify that written notice has been given by the applicant to the owners of such buildings or other structures before he or she grants a permit for their removal.
- c) Whenever a building or other structure is demolished or removed, the premises shall be maintained free from hazardous conditions. For example, grades shall be restored, debris shall be removed, and necessary retaining walls and fences shall be erected.
- d) Buildings or other structures subject to this Part which have been condemned or closed by a regional superintendent shall be subject to local ordinances with respect to demolition or removal.

SUBPART D: INSPECTIONS

Section 180.300 Regional Superintendent's Annual Building Inspection

The regional superintendent shall annually inspect all public schools under his or her supervision, following the procedures outlined in this Section and recording the results of such inspections on forms provided by the State Board of Education. (Section 3-14.21 of the School Code.) The requirements of this Section 180.300 shall also apply to all other facilities owned or used for school purposes by a school district subject to this Part.

- a) The regional superintendent shall visit each facility and shall issue any necessary notice(s) of violations within 10 calendar days and specify the corrective actions to be taken, as provided in Section 180.400(b) of this Part.
- b) Following each inspection, the regional superintendent shall prepare a written report of the results on a form supplied by the State Board of Education. *This report shall be submitted to the Board of Education by July 30 following the school year for which the inspections were conducted. (Section 3-14.21 of the School Code.)* The report shall also be submitted to the State Superintendent of Education, in writing or by such electronic means as the State Superintendent may authorize, and shall include the regional superintendent's approval or disapproval of any extension of time requested by the local board pursuant to Section 2-3.12 of the School Code. The recommendations of the regional superintendent shall be considered approved by the State Superintendent unless the regional superintendent receives notification to the contrary within 60 calendar days after submission of his or her report.
- c) Upon submission of the regional superintendent's first annual report after the effective date of this Part, each school board will be required to have a certificate of occupancy for each of its facilities and to maintain these certificates in the district's administrative office.

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Section 180.310 Decennial Inspections

Within two years after September 23, 1983, and no less often than every ten years thereafter, each school board subject to this Part shall have its school buildings surveyed by a licensed design professional in conformance with the provisions of this Section. (Section 2-3.12 of the School Code.)

- a) In the course of his or her on-site inspection(s), the architect or engineer shall check the accuracy of the safety reference plans, verify the information shown on the facility inventory records, and make such corrections as are necessary.
- b) The design professional conducting the survey shall prepare a safety survey report conforming to the requirements of Section 2-3.12 of the School Code and including the materials specified in Section 180.320 of this Part.

Section 180.320 Safety Survey Report

The safety survey report shall include the following documents and forms, which may be communicated electronically when such communication is authorized by the State Superintendent of Education.

- a) A sketch map showing district boundaries and the locations of all facilities.
- b) A sketch showing facilities on each site owned or used by the district for school purposes.
- c) For each facility, either
 - 1) A Certificate of Compliance, if the survey revealed no violations of applicable requirements; or
 - 2) A violation and recommendation schedule on a form provided by the State Board of Education.

Section 180.330 Local Board Action

- a) The board of education shall complete an Application for Approval of Safety Survey Report on a form supplied by the State Board of Education and, if the board determines that fire prevention and safety financing will be required, a Statement of Facts and Assurances and a Summary of Financing, both on forms provided by the State Board of Education.
- b) The board of education shall submit the application for approval of the report, along with a copy of the report and schematic floor plans for areas where violations were noted and work was recommended, to the regional superintendent.

Section 180.340 Approval of Safety Survey Reports

- a) If the regional superintendent finds that the Safety Survey Report and relevant floor plans are complete and correct, he or she shall approve the report; if the regional superintendent finds that the report and

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floor plans are incomplete or contain errors, he or she shall so notify the board of education in writing. If the district fails to correct the errors or omissions, the regional superintendent shall disapprove the report. In either case, the regional superintendent shall forward the report and any floor plans to the State Superintendent for approval or disapproval.

- b) If the State Superintendent finds that the safety survey report is incomplete or contains errors, he or she shall so notify the board of education in writing. If the district fails to correct the errors or omissions, the State Superintendent shall disapprove the report and return the material to the regional superintendent for return to the board of education.
- c) The State Superintendent shall approve or disapprove the report within 90 days of its submission by the regional superintendent. If he or she approves the report, he or she shall issue a Certificate of Approval.
- d) Upon receipt of the State Superintendent's certificate, the regional superintendent shall issue such orders as are necessary to effect any recommendations contained in the safety survey report.
- e) School board action in response to approved safety survey reports shall conform to the requirements of Section 2-3.12 of the School Code.
- f) Failure to submit accurate and complete safety survey reports as required shall subject a school district to the recognition provisions of 23 Ill. Adm. Code 1.
- g) Submission of Other Survey Reports
 - 1) If, after having received approval of a safety survey report from the State Superintendent and before submission of the next required safety survey report, a board of education is ordered to have a complete or partial resurvey of its facility(ies) conducted pursuant to Section 180.400 of this Part, it shall submit an updated report reflecting the results of said resurvey.
 - 2) The report shall be submitted to the regional superintendent and the State Superintendent for approval or disapproval in the same manner as for a safety survey report resulting from a decennial inspection.

SUBPART E: ADDRESSING VIOLATIONS

Section 180.400 Violations

If a regional superintendent determines that any facility may not comply with the provisions of this Part, the regional superintendent shall inspect or order inspection of the facility and correction of any violations identified.

- a) The regional superintendent may require a school board to have a facility surveyed by a licensed design professional if, in the judgment of the regional superintendent, such a survey is necessary to determine compliance with applicable provisions of this Part.

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(Section 2-3.12 of the School Code.)

- b) The regional superintendent shall serve a notice of violation or order on the school district superintendent, identifying the violation and ordering it corrected or discontinued within a specified period of time which shall in no case exceed the timelines set forth in Section 2-3.12 of the School Code.

1) Within 15 calendar days after receipt of a notice of violation, or before expiration of the time allotted by the regional superintendent, whichever occurs sooner, a school district superintendent may appeal to the State Superintendent by submitting a written statement identifying the requirement in question and explaining why it is inapplicable or has been incorrectly applied. The district superintendent shall also submit a copy of such an appeal to the regional superintendent.

2) The State Superintendent shall rule on any such appeal and shall transmit his or her decision in writing to the affected school district superintendent within 15 calendar days after receiving the appeal. The State Superintendent shall also transmit a copy of his or her ruling to the regional superintendent.

3) If the State Superintendent's ruling supports the notice of violation, the regional superintendent shall proceed with enforcement of the requirement(s) in question. If the State Superintendent rules that no violation is present, the regional superintendent shall notify the district that the notice of violation is rescinded.

- c) When, in the opinion of the regional superintendent, there is imminent danger due to one or more violations, the regional superintendent shall cause the necessary work to be done to render the facility in question temporarily safe, whether or not the procedure called for in subsection (b) above has been initiated.

Section 180.410 Unsafe Conditions

- a) Whenever the regional superintendent shall find, in any facility, dangerous or hazardous conditions or materials, the regional superintendent shall have the authority to order such dangerous conditions or materials to be removed or remedied, whether or not a violation of any specific provision of this Part is involved. Such conditions may include, but are not limited to, the following.

- 1) Conditions liable to cause or contribute to the spread of fire.
- 2) Conditions which interfere with the efficiency or operation of any fire protection equipment and system.
- 3) Obstructions to or on fire escapes, stairs, passageways, doors or windows, which are liable to interfere with the egress of occupants or the operation of the fire department in case of fire.
- 4) Accumulations of dust or waste material in air-conditioning or ventilating systems or grease in kitchen or other exhaust ducts.

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- 5) Accumulations of grease on kitchen cooking equipment, or oil, grease or dirt upon, under or around any mechanical equipment.
- 6) Accumulations of rubbish, wastepaper, boxes, shavings or other combustible materials, or excessive storage of any combustible material.
- 7) Hazardous conditions arising from defective or improperly utilized or installed electrical wiring, equipment or appliances.
- 8) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive or otherwise hazardous materials.
- 9) Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials.
- 10) Any equipment, materials, processes or operations which are in violation of the provisions and intent of this Part.

- b) The regional superintendent shall have the authority to place out of service immediately any unsafe device or equipment regulated by this Part. Unsafe equipment may include, but is not limited to, any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the facility which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety.

- c) Any device or equipment placed out of service by the regional superintendent shall be plainly marked with a sign or tag, which shall not be tampered with, defaced or removed except by the regional superintendent.

- d) Equipment deemed unsafe and placed out of service by the regional superintendent shall not be operated after the date of the regional superintendent's order until the required repairs or changes have been made and the equipment has been approved.

Section 180.420 Temporary Closing and Condemnation

- a) If, in the opinion of the regional superintendent, a facility or part of a facility poses an imminent threat to the health or safety of its occupants, the regional superintendent shall temporarily close said facility or part of the facility pending determination of the extent of the hazard and order it evacuated immediately.

- 1) The regional superintendent shall cause to be posted at each entrance to such facility a notice reading as follows: "This Facility is Unsafe and its Occupancy has been Prohibited by the Regional Superintendent."
- 2) Notice of the closing shall also be served on the school district superintendent.
- 3) No person shall enter a facility so closed, except for the purpose of inspecting, repairing, or demolishing it.

- b) *The regional superintendent shall request that the facility or part of the facility be inspected by appropriate personnel from either the*

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Department of Public Health, the State Fire Marshal, or the State Board of Education, depending upon the circumstances. Such official(s) shall inspect the facility or part of the facility in question; state, in writing, whether the facility is unsafe, unsanitary, or unfit for occupancy; and indicate the reasons for their conclusions. (Section 3-14.22 of the School Code.) This report shall be submitted to the regional superintendent as soon as possible.

c) Upon receipt of this report, the regional superintendent shall:

- 1) Lift the closing order, if the report indicates that the facility is not unsafe, unsanitary, or unfit for occupancy; or
- 2) Issue a condemnation order, if the report indicates such to be warranted, and include the listing of particulars contained in the report of the inspection conducted pursuant to subsection (b) of this Section.

SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

Section 180.500 Request for Authorization

a) A school board desiring to use fire prevention and safety funds shall submit to the regional superintendent, on forms supplied by the State Board of Education, a Request for Authorization ("request"). The request shall consist of a Statement of Facts and Assurances and a Summary of Financing Requirements and shall be accompanied by the following documents, prepared and certified by a licensed design professional:

- 1) A sketch map showing district boundaries and the locations of all facilities;
 - 2) A sketch showing facilities on each site involved in the request;
 - 3) Schematic floor plans or other drawings necessary to show and describe the facility in question and the nature of the work to be done;
 - 4) A Violation and Recommendation Schedule including a brief description of each violation and the recommended correction;
 - 5) A Statement of Estimated Costs.
- b) If the request is submitted within one year after approval of the district's most recent safety survey report and that report remains accurate, any of the documents contained in that report may be used to meet the comparable requirements of subsections (a)(1) through (a)(6) above.

c) Fire prevention and safety financing shall only be approved if:

- 1) the district has levied at its maximum authorized rate for its operations and maintenance fund for the most recent year for which tax rates are available; and
- 2) the district does not have sufficient unrestricted funds (as defined in 23 Ill. Adm. Code 110, Table B) in its operations and maintenance fund and/or its fire prevention and safety fund to pay for the necessary work.

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d) If the regional superintendent finds that the request is complete and approvable, he or she shall so certify and forward the request with such certification to the State Superintendent of Education. If the regional superintendent disapproves the request, he or she shall so certify and return the request with such certification to the local board. *The regional superintendent shall approve or disapprove each request within three months after its submission by a local board.*

e) A Board of Education whose request is denied by a regional superintendent or not acted upon within three months may submit the request to the State Superintendent for review. (Section 17-2.11 of the School Code.)

f) Except under emergency circumstances as provided for in Section 180.570 of this Part, a regional superintendent shall not grant approval to use fire prevention and safety funds for any work which has already been initiated, without the prior express authorization of the State Superintendent. (Section 17-2.11 of the School Code.)

g) If the State Superintendent finds that a request is complete and approvable, he or she shall so certify and return the approved request with such certification to the regional superintendent.

h) Upon receipt of an approved request from the State Superintendent, the regional superintendent shall issue an order to implement the request and forward the request and the order to the originating school board.

Section 180.510 Initiation of Work

Initiation and conduct of construction or other, like activities for which the use of fire prevention and safety financing has been approved shall be subject to the procedural requirements set forth in Subpart C of this Part.

Section 180.520 Accounting for Fire Prevention and Safety Funds

Funds received and expended for fire prevention and safety purposes shall be accounted for pursuant to the applicable provisions of the Program Accounting Manual (23 Ill. Adm. Code 110).

Section 180.530 Emergencies

a) An emergency is a situation which presents an imminent and continuing threat to the health and safety of students or other occupants of a facility; requires complete or partial evacuation of a building or part of a building; or consumes one or more of the 5 emergency days built into the adopted calendar of the school or schools or would otherwise be expected to cause such school or schools to fall short of the minimum school calendar requirements.

b) If it is determined that fire prevention and safety financing will be required to address an emergency, then the district superintendent or other authorized person shall notify the regional superintendent and the State Superintendent of Education or designee of the nature of the

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emergency and the steps to be taken. The regional superintendent and the State Superintendent or designee shall give preliminary authorization to proceed and provide any special instructions that may be pertinent. Formal confirmation of this authorization is required and shall be pursued as outlined in subsections (1) through (4) below.

1) The board of education, either at a regular meeting or at a special meeting called for that purpose, shall adopt a resolution declaring:

- A) The existence of an emergency;
 - B) Whether or not funds needed to address the emergency are available;
 - C) Whether the work must be bid or the board desires to exempt itself from the bidding requirements on the basis of the emergency;
 - D) What interim measures are contemplated to sustain operations;
 - E) The number of members of the board and the numbers voting in favor of and against the motion to adopt the resolution.
- 2) Two copies of the board's resolution shall be dated and signed by the president and secretary of the board and the district superintendent and submitted in person, by fax, or by mail as soon as possible to the regional superintendent and State Board.
- 3) Upon receipt of the resolution, the State Superintendent or designee shall review the facts, call for any additional information if necessary, and, when satisfied that the situation constitutes an emergency, prepare a Certificate of Authorization for Emergency Procedures.
- 4) The Certificate of Authorization for Emergency Procedures shall authorize the district to initiate work to be financed with fire prevention and safety funds or funds loaned to the Fire Prevention and Safety Fund prior to the formal approval of such work through the normal process. However, said Certificate may be granted only on the conditions that:

- A) Proper application for use of fire prevention and safety funds (see Section 180.530) will be initiated and prosecuted in a timely manner by the district;
- B) The work undertaken shall in all respects conform to the requirements of this Part and such other standards as may be applicable to the situation;
- C) Final approval of the use of fire prevention and safety funds will be predicated on the finding that the facts enunciated in the board resolution are or were substantially true.

Section 180.540 Cost Estimates

- a) Administration and implementation of this Part require that many costs be estimated and certified as a prerequisite to approval of proposed

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work or determination of the applicability of particular rules. The following standards and procedures are to be used where certification of cost estimates is required.

- b) All cost estimates shall be based upon published price guides such as those compiled by R. S. Means Company, Inc., Frank Walker Company, and McGraw-Hill Cost Information Systems.

- 1) The source of the cost figures shall be specifically identified by title, publisher, and period of effectiveness.
- 2) The cost factors to be used shall be the mean or median costs published for such construction nationally.
- 3) These raw cost estimates shall be adjusted by applying the appropriate inflation factors, size adjustment factors, and regional cost factors.
- 4) The estimate shall be based upon the work to be performed as described in the violation and recommendation schedule.
- 5) The estimate shall specify the unit or units of measure, the quantity of such units necessary, and the unit cost installed.
- 6) A total of estimated costs must be provided, along with a general breakdown.
- 7) The resulting figure shall be referred to as the Adjusted Gross Estimated Cost.
- c) Estimates of the replacement cost of a school shall be based upon the cost of constructing a new building of equal size, serving like grades, and for the same programmatic purposes as the facility to be replaced. The procedure is as follows.
 - 1) Determine the type of school to be built based upon its classification as reflected in the most recent Fall Enrollment and Housing Report filed with the State Board of Education.
 - 2) Determine the size of the school to be built, based upon the square footage of the school to be replaced.
 - 3) Multiply the square footage of the school to be built by the appropriate square-foot cost factor.
- A) The published cost factor for elementary schools shall be used for preschools, kindergartens, and elementary schools.
- B) The published cost factor for junior high/middle schools shall be used for schools housing various combinations of grades 5 through 9.
- C) The published cost factor for high schools shall be used for schools housing combinations of grades 9 through 12.
- 4) The resulting figure shall be referred to as the Adjusted Gross Estimated Replacement Cost of the School.
- d) For purposes of estimating costs related to energy conservation measures, the procedures outlined in "ASTM Standards on Building Economics, Second Edition," published by the American Society for Testing and Materials (1993; 1916 Race Street, Philadelphia, Pennsylvania 19103-1187), shall be used. No later amendments to or editions of these standards are incorporated by this rule.
- 1) In addition, the source(s) of heating degree days, cooling degree

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days, and energy consumption data, and the basis for determining the efficiency of existing systems and equipment and their useful lifetimes shall be noted.

- 2) Where Fire Prevention and Safety Funds are to be used to finance all or part of energy conservation measures, the payback period calculations must show that payback can be achieved over the useful lifetime of the proposed measure or 10 years, whichever is less.

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Licensing
- 2) Code Citation: 11 Ill. Adm. Code 502
- 3) Section Number: Adopted Action:
502.200 Amendment
502.210 Amendment
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: April 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: March 15, 1995
- 9) Notice of Proposal Published in Illinois Register: 18 Ill. Reg. 17424 - December 9, 1994
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Differences between proposal and final version: Before line 89, the Subpart title was added. In line 104, the comma was removed. In line 128, the period was replaced with a semi-colon.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect?
No.
- 14) Are there any other proposed amendments pending in this Part? No.
- 15) Summary and purpose of rules: These amendments reduce the time requirement for applicants for trainer or assistant trainer licenses from two years to one year.
- 16) Information and questions regarding these adopted amendments shall be directed to: Gina DiCaro, Illinois Racing Board, Legal Department, 100 West Randolph, Suite 11-100, Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 502
LICENSING

SUBPART A: PROCEDURE

Section

502.10 Submission of Application
502.20 Complete Application
502.30 License Fees
502.40 Duration and Extent of Occupation Licenses
502.50 Rulings and Hearings
502.55 Denial of License
502.58 License to Participate

SUBPART B: STATUTORY GROUNDS FOR DENIAL OF A LICENSE

Section

502.60 Denial of a License for Criminal Conviction
502.72 First-Time Applicant Who Has Been Convicted of a Crime
502.76 Prohibitions Against Persons on Conditional Discharge, Parole, Probation or Supervision
502.78 Probationary Nature of Licenses
502.80 Unqualified to Perform the Duties
502.90 Falsifying Answers or Omitting Facts
502.100 Just Cause
502.102 Burden of Going Forward
502.104 Denial of a License for Just Cause in Illinois or in Another Racing Jurisdiction

SUBPART C: GENERAL CRITERIA

Section

502.110 Criteria for Determining Eligibility
502.115 Standards Required of All Applicants

SUBPART D: OWNERS

Section

502.120 Owners

SUBPART E: TRAINERS AND ASSISTANT TRAINERS

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Trainers and Assistant Trainers
Prospective Trainers or Assistant Trainers
Workers' Compensation

SUBPART F: JOCKEYS AND APPRENTICE JOCKEYS

Section

502.230 Jockeys and Apprentice Jockeys
502.235 Apprentice Jockeys, Criteria for Eligibility
502.238 Apprentice Contract or Certificate

SUBPART G: DRIVERS

Section

502.250 Harness Driver
502.260 Prospective Harness Drivers
502.270 "Q" Licenses
502.280 "P" Licenses
502.290 "A" Licenses

SUBPART H: OTHER LICENSEES

Section

502.300 Veterinarians
502.320 Veterinary Assistant
502.350 Farriers (Blacksmiths)
502.380 Exercise Riders
502.400 Pony Person
502.450 Stable Foreman
502.500 Jockey Agents
502.600 Authorized Agents
502.650 Tack Shop Operators and Other Vendors
502.660 Vendor Helper
502.680 Thoroughbred Grooms
502.690 Harness Grooms
502.700 Hotwalker
502.790 Totalizator Employee

SUBPART I: CONFLICTS OF INTEREST

Section

502.800 General Provision
502.820 Dual Licensing
502.830 Limitations on License
502.840 Husbands and Wives
502.850 Transfer of a Horse

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AUTHORITY: Implementing Section 15 and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b) and 15).

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 9711, effective July 27, 1982, for a maximum of 150 days; adopted and codified at 6 Ill. Reg. 13786, effective October 25, 1982; amended at 7 Ill. Reg. 5225, effective April 1, 1983; amended at 11 Ill. Reg. 20611, effective January 1, 1988; amended at 13 Ill. Reg. 1562, effective January 23, 1989; amended at 13 Ill. Reg. 4931, effective March 22, 1989; amended at 14 Ill. Reg. 17641, effective October 16, 1990; amended at 15 Ill. Reg. 11985, effective August 12, 1991; amended at 16 Ill. Reg. 12774, effective July 31, 1992; amended at 17 Ill. Reg. 19961, effective November 9, 1993; amended at 18 Ill. Reg. 11615, effective July 7, 1994; amended at 18 Ill. Reg. 5034, effective APR 01 1995.

SUBPART E: TRAINERS AND ASSISTANT TRAINERS

Section 502.200 Trainers and Assistant Trainers

An applicant for a license as a trainer or an assistant trainer shall:

- a) Be at least 18 years of age and have been licensed as a trainer or assistant trainer by the Board or another racing jurisdiction. Any person applying for a license as a trainer or assistant trainer for the first time in Illinois shall submit to the examinations required of prospective trainers and assistant trainers, as provided in Section 502.210, unless previously licensed in one of these capacities in another racing jurisdiction for at least two one years year.
- b) Additionally, an applicant for a trainer's license shall:
 - 1) have at least one horse to train which is eligible to race in Illinois;
 - 2) be capable of meeting the financial obligations incurred in the stabling, racing, training, and care of the horse in his care; and
 - 3) provide proof of having complied with Section 502.220.
- c) An applicant for an assistant trainer's license shall be employed by a licensed trainer. In order to employ an assistant trainer, a trainer must have at least six horses in his stable, but may have no more than one assistant trainer for every 20 horses in training. However, if a trainer has fewer than six horses and wishes to ship one or more to another race track, or if a trainer shows a hardship such as a physical impairment, the stewards shall allow the trainer to have an assistant trainer.

(Source: Amended at 19 Ill. Reg. 5034, effective APR 01 1995)

Section 502.210 Prospective Trainers or Assistant Trainers

If the applicant for a trainer or assistant trainer's license has never been

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previously so licensed by the Board or has been so licensed by another racing jurisdiction for less than two one years year, the applicant shall:

- a) have at least two years' experience in a licensed racing occupation;
- b) submit three letters of recommendation from former employers and/or currently licensed trainers who can attest to the applicant's training ability and experience;
- c) demonstrate, by actual performance his knowledge of horsemanship, including, but not limited to, saddling, bandaging, and diagnosing horse ailments;
- d) pass with a grade of 75% a written examination administered by the stewards or their designee, covering such subjects as rules of racing, care and handling of horses, and proper use of racing equipment. Such examinations shall be given from time to time as requested during race meetings but no such test shall be administered during the 30 days prior to the end of a race meeting or during the last 45 days of a calendar year.

(Source: Amended at 19 Ill. Reg. 5034, effective APR 01 1995)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pick (N) Pools
- 2) Code Citation: 11 Ill. Adm. Code 308
- 3) Section Number: Adopted Action:
308.20 Amendment
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: April 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date filed in Agency's Principal Office: March 15, 1995
- 9) Notice of Proposal Published in Illinois Register: 18 Ill. Reg. 17429, December 9, 1994
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Differences between proposal and final version: In line 91, "Major Pool" was changed to lower case. The source notes were corrected to reflect 19 Ill. Reg. _____.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No.
- 15) Summary and purpose of rules: This amendment establishes a new method of pool calculation. At the election of the organization licensee, 50% of the wager is refunded to all valid ticket holders if no wager correctly selects the first-place finishers in all Pick (N) contests.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

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NOTICE OF ADOPTED AMENDMENTS

(312) 814-2600

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 308

PICK (N) POOLS

Section

308.10 Pick (n)

308.20 Pool Calculations

308.30 Dead Heats

308.40 Scratches

308.50 Cancellation of Races

308.60 Carryover Cap

308.70 Mandatory Distribution

308.80 Disclosure

308.90 Pick 3 Pools

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Adopted at 18 Ill. Reg. 7433, effective May 8, 1994; amended at 19 Ill. Reg. 039 effective APR 01 1995.

Section 308.20 Pool Calculations

The organization licensee may select one of the following methods for conducting its Pick (n) pool. As used in this Part, "Major Pool" is defined as seventy-five 75% of the daily net pool; and "Minor Pool" is defined as twenty-five 25% of the daily net pool. Any deviation from the Major/Minor pool percentage division must be approved by the State Director of Mutuel.

a) Method 1, Pick (n) with Carryover: The net Pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests; and the remainder shall be added to the carryover.

b) Method 2, Pick (n) with Minor Pool and Carryover: The major share of the net Pick (n) pool and the carryover, if any, shall be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all Pick (n) contests,

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

the minor share of the net Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests; and the major share shall be added to the carryover.

c) Method 3, Pick (n) with No Minor Pool and No Carryover: The net Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

d) Method 4, Pick (n) with Minor Pool and No Carryover: The major share of the net Pick (n) pool shall be distributed to those who selected the first place finisher in the greatest number of Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If the greatest number of first-place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

e) Method 5, Pick (n) with Minor Pool and No Carryover: The major share of net Pick (n) pool shall be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all Pick (n) contests, the entire net Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If there are no wagers selecting the first-place finisher in a second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests. If there are no winning wagers, the pool is refunded.

f) Method 6, Pick (n) with Minor Pool and Carryover: The net Pick (n) pool and carryover, if any, shall be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all Pick (n) contests, two-thirds of the net pool (major pool) or one-half of the total gross pool, whichever is greater, shall be distributed as a single price pool to those who present a valid pari-mutuel wager for that Pick (n) pool and the

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

remaining one-third of the net pool shall be added to the carryover. The minimum pay-off provisions contained in 11 Ill. Adm. Code 405.130 shall not apply when distributing the major pool in this pool calculation.

(Source: Amended at 19 Ill. Reg. 2003/11, effective
APR 01 1995)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

1) Heading of the Part: Application Process

2) Code Citation: 89 Ill. Adm. Code 683

3 Section Numbers: Adopted Action:

683.100	Repealed
683.200	Repealed
683.300	Repealed
683.400	Repealed
683.500	Repealed
683.550	Repealed
683.600	Repealed
683.700	Repealed
683.800	Repealed

4) Statutory Authority: Implementing and authorized by Section 3(g) of "An Act in relation to rehabilitation of disabled persons" [20 ILCS 2405/3].

5) Effective Date of Rulemaking: March 21, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: March 21, 1995

9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16080

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: No changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: All rules for the Home Services Program are being repealed and have been repropoed. These rules are being replaced by rules proposed under the new rulemakings for the purpose of clarity and conciseness. The new rulemakings do not change any programmatic provisions or requirements.

16) Information and questions regarding these adopted repealers shall be

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

directed to:

Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
(217) 785-3896 or TTY: (217) 785-9301

- 17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

- 1) Heading of the Part: Case Closures
- 2) Code Citation: 89 Ill. Adm. Code 705
- 3) Section Numbers: Adopted Action:
705.100 Repealed
705.200 Repealed
- 4) Statutory Authority: Section 3(g) of the Disabled Persons Rehabilitation Act. (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3].
- 5) Effective Date of Rulemaking: March 21, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 21, 1995
- 9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16085
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: All rules for the Home Services Program are being repealed and have been repropoed. These rules are being replaced by rules proposed under the new rulemakings for the purpose of clarity and conciseness. The new rulemakings do not change any programmatic provisions or requirements.
- 16) Information and questions regarding these adopted repealers shall be directed to:

Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

(217) 785-3896 or TTY: (217) 785-9301

- 17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Case Records

- 2) Code Citation: 89 Ill. Adm. Code 710

- 3) Section Numbers: Adopted Action:

710.100

Repealed

710.300

Repealed

710.400

Repealed

- 4) Statutory Authority: Section 3(g) of the Disabled Persons Rehabilitation Act. (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3].

- 5) Effective Date of Rulemaking: March 21, 1995

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: March 21, 1995

- 9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16088

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: No changes were made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: All rules for the Home Services Program are being repealed and have been repropoed. These rules are being replaced by rules proposed under the new rulemakings for the purpose of clarity and conciseness. The new rulemakings do not change any programmatic provisions or requirements.

- 16) Information and questions regarding these adopted repealers shall be directed to:

Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALER

Springfield, IL 62794-9429
(217) 785-3896 or TTY: (217) 785-9301

- 17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

- 1) Heading of the Part: Case Transfers/Referrals
- 2) Code Citation: 89 Ill. Adm. Code 708
- 3) Section Numbers: Adopted Action:
- | | |
|---------|----------|
| 708.100 | Repealed |
| 708.200 | Repealed |
| 708.300 | Repealed |
- 4) Statutory Authority: Section 3(g) of the Disabled Persons Rehabilitation Act. (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3].
- 5) Effective Date of Rulemaking: March 21, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 21, 1995
- 9) Notice of Proposal Published in Illinois Register:
November 4, 1994, 18 Ill. Reg. 16091
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking:
All rules for the Home Services Program are being repealed and have been repropoed. These rules are being replaced by rules proposed under the new rulemakings for the purpose of clarity and conciseness. The new rulemakings do not change any programmatic provisions or requirements.
- 16) Information and questions regarding these adopted repealers shall be directed to:

Susan Warrner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

P.O. Box 19429
Springfield, Illinois 62794-9429
(217) 785-3896 or TTY: (217) 785-9301

- 17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

- 1) Heading of the Part: Client Responsibilities

- 2) Code Citation: 89 Ill. Adm. Code 680

- 3) Section Numbers: Adopted Action:

680.100	Repealed
680.200	Repealed
680.300	Repealed

- 4) Statutory Authority: Section 3 of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g) [20 ILCS 2405/3].

- 5) Effective Date of Rulemaking: March 21, 1995

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: March 21, 1995

- 9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16095

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: No changes were made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: All rules for the Home Services Program are being repealed and have been repropoed. These rules are being replaced by rules proposed under the new rulemakings for the purpose of clarity and conciseness. The new rulemakings do not change any programmatic provisions or requirements.

- 16) Information and questions regarding these adopted repealers shall be directed to:

Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

Springfield, Illinois 62794-9429
(217) 785-3896 or TTY: (217) 785-9301

- 17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Client Rights
2) Code Citation: 89 Ill. Adm. Code 678

- 3) Section Numbers: Adopted Action:

678.10	Repealed
678.50	Repealed
678.100	Repealed
678.150	Repealed
678.200	Repealed
678.250	Repealed
678.300	Repealed
678.350	Repealed
678.400	Repealed
678.450	Repealed
678.500	Repealed
678.550	Repealed

- 4) Statutory Authority: Section 3(g) of the Disabled Persons Rehabilitation Act. (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)).

- 5) Effective Date of Rulemaking: March 21, 1995

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: March 21, 1995

- 9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16099

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version:
No changes were made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: All rules for the Home Services Program are being repealed and have been repropoed. These rules are being replaced by rules proposed under the new rulemakings for the purpose

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALER

of clarity and conciseness. The new rulemakings do not change any programmatic provisions or requirements.

16) Information and questions regarding these adopted repealers shall be directed to:

Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
(217) 785-3896 or (217) 785-9301

17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

1) Heading of the Part: Customer Rights and Responsibilities

2) Code Citation: 89 Ill. Adm. Code 677

3) Section Numbers: Adopted Action:

677.10	New Section
677.20	New Section
677.30	New Section
677.40	New Section
677.50	New Section
677.60	New Section
677.70	New Section
677.80	New Section
677.90	New Section

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) Effective Date of Rulemaking: March 21, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: March 21, 1995

9) Notice of Proposal Published in Illinois Register:
November 4, 1994, 18 Ill. Reg. 16105

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

Pursuant to agreement with JCAR, in lines 69, 74, 121, 145, and 149, "DORS" was changed to "DORS".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

All rulings regarding DORS' Home Services Program are being repealed and repropoed. These new rules are being repropoed for the purpose of clarity and conciseness. No programmatic changes have been made.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

- 16) Information and questions regarding these adopted rules shall be directed to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone: (217) 785-3896
TTY: (217) 785-9301

The full text of the Adopted Rule begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 677

CUSTOMER RIGHTS AND RESPONSIBILITIES

SUBPART A: CUSTOMER RIGHTS

Section

677.10 Assurance of Customer Rights
677.20 Nondiscrimination
677.30 Confidentiality of Information
677.40 Freedom of Choice
677.50 Referral
677.60 Application
677.70 Notice of Action
677.80 Appeal of an Action Taken by DORS
677.90 Repayment of Assistance

SUBPART B: CUSTOMER RESPONSIBILITIES

Section

677.200 Consumer Responsibilities

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. _____, effective **MAR 21 1995**.

SUBPART A: CUSTOMER RIGHTS

Section 677.10 Assurance of Customer Rights

The customer shall be informed of his/her rights at the time of referral, application, eligibility determination, service initiation, change in services, case closure and upon request.

Section 677.20 Nondiscrimination

DORS shall not discriminate against any customer seeking or receiving services through HSP on the basis of race, color, religion, ancestry, marital status, political affiliation, sex, disability, national origin, or unfavorable discharge from the military.

Section 677.30 Confidentiality of Information

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

All customer information maintained by DORS for the purposes of HSP is confidential and shall only be used for the purpose of administration of HSP, pursuant to DORS' rules found at 89 Ill. Adm. Code 505 - Confidentiality and 89 Ill. Adm. Code 676.110.

Section 677.40 Freedom of Choice

Under HSP, an individual has the following rights, however, the choices made by the individual may affect the services through HSP for which the individual is eligible or which might otherwise be available.

- a) An individual shall have the right to apply for and, if eligible, receive services under the program of the individual's choice. Therefore, an individual eligible for both institutional care and HSP services has the right to choose one or the other, but may not receive both at the same time. Institutional care is not available through DORS and, if the individual chooses HSP services, DORS shall have the right to determine the waiver under which the customer will be served and the level of the provider of services.
- b) An individual has the right not to accept those services for which he/she has been determined eligible to receive through DORS at any time. However, if the individual chooses to terminate services, he/she may have to reapply for services and undergo another determination of eligibility if he/she later desires services through HSP.
- c) An individual has the right to choose his/her living arrangement, including the physical dwelling and persons residing in the dwelling. DORS shall not impose a living arrangement on any individual; however, such choices may impact the services available to the customer due to conditions such as location of the dwelling and impact on necessary services due to others residing in the dwelling.
- d) An individual applying for, or receiving services through HSP shall have the right to choose medical and non-medical service providers. However, payment may only be made to those service providers which meet the standards established by DORS as found at 89 Ill. Adm. Code 711 and who will accept DORS' fees for a specific service approved by DORS, if DORS is to issue payment for the service.

Section 677.50 Referral

- a) An individual has the right to receive information regarding all DORS' programs, including HSP.
- b) An individual has the right to be referred by DORS for other appropriate services, within and outside DORS. The customer's permission must be received in writing prior to DORS making any such referral, pursuant to DORS' rules at 89 Ill. Adm. Code 505 - Confidentiality.

Section 677.60 Application

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

An individual has the right to apply for services through any of DORS' programs and to have the application processed in an appropriate and expedient manner.

Section 677.70 Notice of Action

Every customer has the right to a written notice of the disposition of any referral, application, or any denial, termination, or change in services. Such a notice shall be mailed at least 15 working days prior to the effective date of the action and shall include:

- a) a clear statement of the action taken;
- b) a clear statement of the reason for the action;
- c) a clear and complete statement of the customer's right of appeal;
- d) a statement indicating that, if an appeal is filed, services will continue at the level at the time the appeal is filed during the period of the appeal under the conditions and limitations stated at 89 Ill. Adm. Code 510.60.

Section 677.80 Appeal of an Action Taken by DORS

The customer has the right to appeal an action or inaction on the part of DORS, with certain limitations, as set forth at 89 Ill. Adm. Code 510 - Appeals and Hearings.

Section 677.90 Repayment of Assistance

- a) A customer may voluntarily repay all or part of the costs associated with services provided him/her at anytime, however DORS shall not seek repayment for such services regardless of change in the customer's financial status.
- b) DORS shall seek repayment for any and all services determined to have been inappropriately provided to a customer due to false disclosure of a customer's financial status. Reimbursement shall be sought pursuant to DORS' rules found at 89 Ill. Adm. Code 527 - Recovery of Misspent Funds.

SUBPART B: CUSTOMER RESPONSIBILITIES

Section 677.200 Consumer Responsibilities

It is the responsibility of each customer of HSP to:

- a) provide that information necessary for DORS to process the referral of that individual for HSP services;
- b) provide a mailing and street address, along with directions to the individual's home sufficient for the DORS counselor to locate the individual;
- c) provide a telephone number if the individual has a telephone;
- d) sign an application, if the customer wishes a determination of eligibility to be made for HSP service;

DEPARTMENT OF REHABILITATION SERVICES

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- e) assist DORS' staff on gathering the information necessary to determine eligibility;
- f) sign all required forms which are necessary to comply with applicable federal law or the provisions of the Medicaid Waiver or are necessary to process payment through the Comptroller's Office. A customer receiving PA services must sign the Client/Provider Agreement (89 Ill. Adm. Code 714.310);
- g) report all changes in circumstances which may effect eligibility or continued eligibility for services to DORS, as soon as known. Such changes include changes in:
- 1) address;
 - 2) living arrangement;
 - 3) income or assets;
 - 4) services provided to the individual at no cost to DORS;
 - 5) service needs;
 - 6) medical and/or psychological condition;
 - 7) services providers;
 - 8) absence of the individual from his/her home that affects service provision; and
 - 9) residency or citizenship status;
- h) apply for any and all other financial and service benefits that the customer may be expected to be eligible insofar that eligibility for these services may affect HSP eligibility, level of services required by the individual, cost of services to DORS;
- i) cooperate with DORS' projects conducted for the purpose of obtaining or validating general program information or operations where such projects are not related to customer-specific eligibility;
- j) cooperate with service providers, DORS' staff, and representatives in complying with HSP service plans, reassessments of eligibility and other administrative rules established in this Subchapter; and
- k) cooperate with DPA in applying for receiving, maintaining and recertifying eligibility for Medicaid.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)
- 2) Code Citation: 89 Ill. Adm. Code 679
- 3) Section Numbers: Adopted Action:
- | | |
|--------|-------------|
| 679.10 | New Section |
| 679.20 | New Section |
| 679.30 | New Section |
| 679.40 | New Section |
| 679.50 | New Section |
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) Effective Date of Rulemaking: March 21, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 21, 1995
- 9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16111
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: All rules regarding DORS' Home Services Program are being repealed and repropoed. These new rules are being repropoed for the purpose of clarity and conciseness. No programmatic changes have been made.
- 16) Information and questions regarding these adopted rules shall be directed to:

Susan Warner, Manager
Regulations and Procedures Division

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62734-9429
(217) 785-3896 or TTY: (217) 785-9301

- 17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

The full text of the Adopted Rule begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 679

DETERMINATION OF NEED (DON) AND RESULTING SERVICE COST MAXIMUMS (SCMs)

- Section
679.10 General Provisions
679.20 Composition of the DON
679.30 Scoring of the DON Except for Respite Cases
679.40 Scoring the DON for Respite Cases
679.50 Service Cost Maximums (SCMs)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 112.001 effective 11/2/85.

Section 679.10 General Provisions

- a) The DON, pursuant to 89 Ill. Adm. Code 676.30(d), is the assessment tool used to determine an individual's non-financial eligibility for HSP services based on the individual's impairment in the completion of the activities of daily living (ADLs) (Part A) and the individual's need for care that is not met by existing family and other resources (Part B). This assessment is made to determine whether or not the individual is at imminent risk of institutionalization, and therefore eligible for placement in a hospital/nursing facility and/or services through HSP.
- b) If the individual receives at least the minimum DON score to be considered eligible for institutional placement or HSP services (see 89 Ill. Adm. Code 682), the DON score relates to a specific Service Cost Maximum (SCM) that may be expended on services for an individual who chooses HSP services as an option to institutionalization (see Section 679.50).

Section 679.20 Composition of the DON

The DON is comprised of three sections which are:

- a) the Mini-Mental Status Examination section, as developed by the University of Illinois - Chicago, School of Public Health, which is used to determine the individual's cognitive functioning, and therefore the ability to adequately respond to his/her functioning capacity in the completion of the DON. This section shall not be administered to individuals who are under 12 years of age, or who have a diagnosis of developmentally disabled;

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- b) Part A which measures the individual's need for care in the completion of ADLs; and
- c) Part B which measures the individual's unmet need for care in the completion of ADLs.

Section 679.30 Scoring of the DON Except for Respite Cases

- a) An individual receiving a 14 or more on the Mini-Mental Status Examination shall receive "zero" points towards his/her column A score. An individual receiving less than 14 points shall receive an additional "10" points added to his/her column A score for the determination of eligibility and a SCM.
- b) The remaining two sections of the DON measure the individual's ability to complete the ADLs. The ADLs are specifically: eating, bathing, grooming, dressing, transferring, incontinence care, preparing meals, being alone, telephoning, managing money, routine health care tasks (or those health care tasks not requiring specialized training), specialized health care tasks (or those requiring assistance from trained medical practitioners), necessary travel outside the home, laundry, and housework.

- 1) Part A of the DON measures the individual's need for assistance in the completion of each of the ADLs on the following rating scale.

- A) "0" - the individual can perform all essential components of the ADL with or without an existing assistive device;
- B) "1" - the individual can perform most of the ADL, with or without an existing assistive device, but requires some supervision and/or assistance to ensure the task is fully completed;

- C) "2" - the individual requires a great deal of supervision and/or assistance, with or without existing assistive devices, in the completion of the essential components of the task; and

- D) "3" - the individual cannot perform any of the essential components of the task, with or without existing assistive devices and requires constant supervision and/or assistance.

- 2) Part B of the DON measures the individual's unmet need for care in the completion of the ADLs on the following scale.

- A) "0" - the individual has no unmet need for care in that the individual needs no assistance in completion of the essential components of the task, or family and/or other resources already provide for this task;

- B) "1" - the individual's need for assistance in the completion of the task is met at least 50% of the time, and, without periodic assistance, there is a risk to the individual's health and safety;

- C) "2" - the individual's need for assistance in the completion of the task is met less than 50% of the time and, without

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- assistance, there is moderate risk to the individual's health and safety; and
- D) "3" - the individual's need for assistance in the completion of the task is seldom (less than 10% of the time) or never met and, without assistance, there is extreme risk to the individual's health and safety.

- c) In administering the DON for children, the assessor should ensure the ratings given reflect limitations due to the individual's disability and not the individual's age and/or the additional burden placed on the caregiver.

- 1) On Part A, determine if a child of the individual's age should be able to complete all or part of the task. If the inability to perform the task relates only to the individual's age, a score of "zero" should be given. Otherwise, score "1", "2", or "3" according to the individual's impairment level.

- 2) On Part A, determine the additional burden placed on a caregiver providing the service. If, because of the individual's age, there is no increased burden, a score of "0" should be given. If there is an increased burden on the caregiver due to the individual's disability, score "1", "2", or "3" according to the increased level of burden in providing the task.

Section 679.40 Scoring the DON for Respite Cases

In order to be eligible for respite services, the individual must receive 29 points in Part A of the DON, which includes the 10 points from the Mini-Mental Status Examination, as appropriate. No points are necessary in Part B as respite services are to provide relief to a caregiver who normally provides all care for an individual which is at no cost to DORS.

Section 679.50 Service Cost Maximums (SCMs)

- a) For each individual meeting the minimum required DON scores for eligibility (see 89 Ill. Adm. Code 682), there is a corresponding Service Cost Maximum (SCM) for his/her DON score which is the maximum amount that may be expended for services through HSP for an individual who chooses HSP services over institutionalization. This amount is directly correspondent to the amount the State would expect to pay for nursing care component of institutionalization if the individual chose institutionalization.

- b) As of July 1, 1991 the SCMs for individuals served under the HSP Medicaid Waiver are:

Total DON Score	SCM
29 through 32	\$ 644
33 through 40	804
41 through 49	893

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50 through 59	1,070
60 through 69	1,258
70 through 79	1,360
80 through 100	1,462

- c) As of October 1, 1990 the SCMs for individuals served under the AIDS Medicaid Waiver are:

Total DON Score	SCM
29 through 32	\$ 900
33 through 40	1,350
41 through 49	1,800
50 through 59	2,250
60 through 69	2,700
70 through 79	3,150
80 through 100	3,600

- d) The SCM for individuals served through the Medicaid Waiver for Ventilator Assisted Individuals shall be no higher than the comparable institutionalized cost of care for the individual, less the costs for equipment and supplies.
- e) The SCM for an individual may be exceeded on a monthly basis to meet a temporary increase in need for services as long as the average monthly cost for services during the twelve month period does not exceed the SCM. Such an increase in services shall not last more than 3 months.

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NOTICE OF ADOPTED REPEALERS

- 1) Heading of the Part: Disposition of Application
- 2) Code Citation: 89 Ill. Adm. Code 693
- 3) Section Numbers: Adopted Action:

693.100	Repealed
693.200	Repealed
693.300	Repealed
- 4) Statutory Authority: Section 3(g) of the Disabled Persons Rehabilitation Act. (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3].
- 5) Effective Date of Rulemaking: March 21, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 21, 1995
- 9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16117
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: All rules for the Home Services Program are being repealed and have been repropoed. These rules are being replaced by rules proposed under the new rulemakings for the purpose of clarity and conciseness. The new rulemakings do not change any programmatic provisions or requirements.
- 16) Information and questions regarding these adopted repealers shall be directed to:

Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

Springfield, Illinois 62794-9429
(217) 785-3896 or TTY: (217) 785-9301

- 17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

DEPARTMENT OF REHABILITATION SERVICES

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- 1) Heading of the Part: Eligibility
2) Code Citation: 89 Ill. Adm. Code 682

<u>Section Numbers:</u>	<u>Adopted Action:</u>
682.10	New Section
682.100	New Section
682.200	New Section
682.210	New Section
682.220	New Section
682.230	New Section
682.240	New Section
682.250	New Section
682.260	New Section
682.300	New Section
682.400	New Section
682.410	New Section
682.500	New Section
682.510	New Section
682.520	New Section

- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) Effective Date of Rulemaking: March 21, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: March 21, 1995
- 9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16121
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: Pursuant to agreement with JCAR, in line 164, "Children" was changed to "Children's".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

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15) Summary and Purpose of Rulemaking:

All rules regarding DORS' Home Services Program are being repealed and repropoed. These new rules are being repropoed for the purpose of clarity and conciseness. No programmatic changes have been made.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Susan Warner, Manager
Address: Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone: (217) 785-3896
TTY: (217) 785-9301

17) State reasons for this rulemaking if it was not included in the last two (2) most recent regulatory agendas:

The full text of the Adopted Rule begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM
PART 682
ELIGIBILITY

SUBPART A: GENERAL APPLICABILITY

Section
682.10
General Applicability

SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

Section
682.100
General Eligibility Criteria

SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section
682.200
Assets Limitation
682.210
Transfer of Assets
682.220
Exempt Assets
682.230
Assets Held in Joint Ownership
682.240
Income Allowances
682.250
Cost Sharing Provisions
682.260
General Exceptions to Cost Share Provisions

SUBPART D: EFFECT OF OTHER SERVICES ON HSP

Section
682.300
Effect of Other Services on HSP

SUBPART E: REDETERMINATION OF ELIGIBILITY

Section
682.400
Redetermination Requirements
682.410
Redetermination Time Frames

SUBPART F: GRANDEATHERING PROVISIONS

Section
682.500
Exceptions to Eligibility Standards
682.510
Exceptions to Cost Sharing Provisions
682.520
Exceptions to Service Cost Maximums

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

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SOURCE: Adopted at 19 Ill. Reg. 2072, effective MAR 21 1995.

SUBPART A: GENERAL APPLICABILITY

Section 682.10 General Applicability

In order to receive services through HSP, an individual must meet all non-financial eligibility criteria and financial eligibility criteria as listed in this Part.

SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

Section 682.100 General Eligibility Criteria

In order to receive services through HSP an individual must:

- a) be a citizen of the United States, or be an individual who is living permanently in the United States after having been legally admitted;
- b) as of October 1, 1991, have applied for, be a recipient of, or found eligible for a Spend Down through Medicaid benefits through DPA and within 60 days of the date of application for HSP provide verification to the HSP counselor of the aforementioned. However, an individual is not required to meet the eligibility criteria for Medicaid to receive benefits, nor is Medicaid eligibility or verification of application required to receive Interim Services (see 89 Ill. Adm. Code 682). Individuals having applied for HSP services prior to October 1, 1991, may chose to apply for Medicaid;
- c) be a resident of the State of Illinois;
- d) be under the age of 60 at the time of application for HSP services, unless the individual is applying for services under the Medicaid Waiver for Persons with AIDS in which case there is no age criteria for application;
- e) have a severe disability which is expected to last for at least 12 months or for the duration of life;
- f) be an individual with a disability who is in need of long-term care, as determined by the DON score completed as a result of a prescreening (89 Ill. Adm. Code 679) or application for HSP services. In order to be determined to have met this criteria, the individual must receive a DON score of at least 15 points on part A, which includes, if applicable, the 10 points from the Mini-Mental Examination, with a total DON score of at least 29 points;
- g) obtain certification from a physician, with DORS assistance, that the individual is in need of long-term care and this care can safely and adequately be provided in the individual's home as provided on the HSP Service Plan developed for the individual;
- h) not require in-home services that are expected to cost more than the cost the State would pay for institutional care for an individual with a similar DON score.

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SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section 682.200 Assets Limitation

- a) Adult customers, age 18 years or above, may have no more than \$10,000 in customer-only non-exempt assets in order to receive services through HSP.
- b) Minor customers, those under 18 years, may have no more than \$30,000 in total family non-exempt assets. In order to determine total family assets, the customer and all other individuals who contribute to the family unit, or rely on the family unit for support, shall be counted.

Section 682.210 Transfer of Assets

If an individual applying for services has transferred or sold non-exempt assets within the calendar year prior to application for services, he/she must certify that he/she received fair market value for the assets. If less than fair market value was received, the difference between the amount received for the asset and the fair market value of the asset will be used in determining the individual's assets for the purpose of Section 682.200.

Section 682.220 Exempt Assets

For the purpose of determining the amount of the individual's assets, as described in Section 682.200, the following assets shall be considered to be exempt and not counted:

- a) the individual's primary residence, including its furnishings and contents and all contiguous property on which it is situated;
- b) vehicles, except those used primarily for recreation;
- c) personal property;
- d) business or farming equipment which is necessary for the production of income;
- e) life insurance including:
 - 1) group life insurance held as a condition of employment or provided by an employer;
 - 2) a prepaid burial plan with a value of up to \$1,500; and/or
 - 3) any life insurance policy with cash value, or redeemable face value of \$2000, or less; and
- f) the principal of a trust if the trust document establishing the trust specifically states the principal cannot be impaired. HSP administration must be involved in any determination involving trust funds.

Section 682.230 Assets Held in Joint Ownership

- a) If an asset is held in joint ownership with a non-spouse, the percentage of the asset owned by the individual shall be used to determine its value.

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- b) Assets held jointly by spouses will be considered joint assets and the value divided equally unless a written legal agreement exists which divides the asset(s). In the case where a legal agreement exists, only the share owned by the individual shall be counted as an asset.

Section 682.240 Income Allowances

The individual and his/her family must meet the income guidelines for the program or the individual will be required to participate in the cost of services (see Section 682.250).

Section 682.250 Cost Sharing Provisions

- a) If the individual and his/her family have income in excess of the income guidelines for a family the size of the individual's, the individual must participate in the cost of services in order to receive services through HSP.
- b) The amount of the cost share shall be 25% of the excess income of the family unit, less all disability related expenses (e.g., cost of special medical supplies, which are directly related to the individual's disability, etc.) applicable to the customer.
- c) Excess income shall be determined by adding all income for the family unit and subtracting the standard budget allowance for a family of that size. Any positive amount which results from this equation shall be considered as excess income for the purpose of determining the cost share amount.

Section 682.260 General Exceptions to Cost Share Provisions

No cost sharing shall be required if the individual:

- a) has applied for Medicaid benefits through DPA and has provided documentation verifying application for such benefits to the counselor;
- b) has been determined eligible to receive Medicaid benefits;
- c) has had a Medicaid Spend Down established;
- d) is a recipient of SSI benefits; or
- e) is receiving only respite services (89 Ill. Adm. Code 676.30(i)).

SUBPART D: EFFECT OF OTHER SERVICES ON HSP

Section 682.300 Effect of Other Services on HSP

- a) An individual cannot receive services through HSP if he/she is receiving services through any of the following program:
- 1) Department of Mental Health and Developmental Disabilities';
 - A) Community Residential Alternatives (CRA);
 - B) Community Independent Living Arrangement (CILA);
 - C) Home Individualized Program (HIP);

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- D) Specialized Home Program (SHP); or
- E) Community Habilitation Services (CHS);
- 2) Department on Aging's Community Care Program; and/or
- 3) Division of Specialized Care for Children's (DSCC) Waiver Program for Children, with the exception of those transitioning from DSCC to HSP, who are ages 18-21 years may receive limited PA services during the transition from DSCC to HSP.

- b) If an individual is receiving services through a program listed in subsection (a) above, he/she must terminate those services prior to the time any services may be provided through HSP, pursuant to Medicaid regulations.

SUBPART E: REDETERMINATION OF ELIGIBILITY

Section 682.400 Redetermination Requirements

All individuals receiving services through HSP must have eligibility redetermined and must continue to meet all eligibility criteria as stated in Subparts B and C of this Part to continue to receive services through HSP.

Section 682.410 Redetermination Time Frames

- a) Any individual served under the standard Medicaid Waiver shall have his/her eligibility redetermined whenever there is a change in his/her condition or situation that may affect his/her continued eligibility, but if no such change, at least every twelve months.
- b) Any individual served under the Medicaid Waiver for Persons with AIDS shall have his/her eligibility redetermined whenever there is a change in his/her condition or situation that may affect his/her continued eligibility, but if no such change, at least every six months.

SUBPART F: GPANDEATHERING PROVISIONS

Section 682.500 Exceptions to Eligibility Standards

An individual who was receiving planned services through HSP prior to July 17, 1983, and has remained in a continuous active status since that time, and meets the current minimum DON point requirements may:

- a) have a planned service cost above the SCM established for that customer's DON score as established July 17, 1983;
- b) not have his/her cost share amount increased, as long as services remain at the same levels as prior to July 17, 1983, unless the customer chooses to cost share at a higher level; and
- c) have more than \$10,000.00 in non-exempt, customer-only assets.

Section 682.510 Exceptions to Cost Sharing Provisions

An individual whose case was in an active status on or before April 1, 1987,

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and whose case has remained in an active status since that time with a cost share of less than 25% of excess income (89 Ill. Adm. Code 682.240(c)) may continue to cost share at the lower percentage, unless the customer chooses to cost share at a higher rate.

Section 682.520 Exceptions to Service Cost Maximums

- a) If the established SCM for a case is exceeded due to a provider rate increase, the individual may continue to receive the same amount of services even though the SCM will be exceeded.
- b) If an increase in services is indicated, services must stay within the established SCM for the case, regardless of the impact of provider rates.
- c) Cases involving ventilator dependent individuals whose need for care cannot be met by the SCM may have a rate established by Department of Public Aid (DPA) per 89 Ill. Adm. Code 684.70(c).

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Financial Eligibility Criteria

- 2) Code Citation: 89 Ill. Adm. Code 687

- 3) Section Numbers: Adopted Action:

687.10 Repealed
 687.100 Repealed
 687.200 Repealed

- 4) Statutory Authority: Implementing and authorized by section 3(g) of "An Act in relation to rehabilitation of disabled persons" (20 ILCS 2405/3).

- 5) Effective Date of Rulemaking: March 21, 1995

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: March 21, 1995

- 9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16129

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: No changes were made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Parts? No

- 15) Summary and Purpose of Rulemaking: CALL rules for the Home Services Program are being repealed and have been repropoed. These rules are being replaced by rules proposed under the new rulemakings for the purpose of clarity and conciseness. The new rulemakings do not change any programmatic provisions or requirements.

- 16) Information and questions regarding these adopted rules shall be directed to:

Susan Warner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

Springfield, Illinois 62794-9429
(217) 785-3896 or TTY: (217) 785-9301

- 17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

The full text of the Adopted Rule begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

- 1) Heading of the Part: Homemaker Rate Agreements

- 2) Code Citation: 89 Ill. Adm. Code 712

- 3) Section Numbers: Adopted Action:

712.100 Repealed
712.200 Repealed
712.300 Repealed
712.400 Repealed
712.1000 Repealed
Appendix A Repealed

- 4) Statutory Authority: Section 3(g) of the Disabled Persons Rehabilitation Act. (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3].

- 5) Effective Date of Rulemaking: March 21, 1995

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: March 21, 1995

- 9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16143

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: No changes were made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: All rules for the Home Services Program are being repealed and have been repropoed. These rules are being replaced by rules proposed under the new rulemakings for the purpose of clarity and conciseness. The new rulemakings do not change any programmatic provisions or requirements.

- 16) Information and questions regarding these adopted repealers shall be directed to:

Susan Warner, Manager

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429
 (217) 785-3896 or TTY: (217) 785-9301

- 17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

- 1) Heading of the Part: Non-Financial Eligibility Criteria

- 2) Code Citation: 89 Ill. Adm. Code 685

- 3) Section Numbers: Adopted Action:

685.100 Repealed
 685.150 Repealed
 685.200 Repealed
 685.300 Repealed
 685.400 Repealed
 685.500 Repealed
 685.550 Repealed
 685.600 Repealed
 685.Appendix A Repealed

- 4) Statutory Authority: Implementing and authorized by Section 3(g) of The Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405.3].

- 5) Effective Date of Rulemaking: March 21, 1995

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: March 21, 1995

- 9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16163

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: No changes were made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: All rules for the Home Services Program are being repealed and have been repropoed. These rules are being replaced by rules proposed under the new rulemakings for the purpose of clarity and conciseness. The new rulemakings do not change any programmatic provisions or requirements.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

16) Information and questions regarding these adopted repealers shall be directed to:

Name: Ms. Susan Warner, Manager
Address: Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone: (217)785-3896
TTY: (217)785-9301

17) State reasons for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

1) Heading of the Part: Non-Homemaker Service Provider Requirements

2) Code Citation: 89 Ill. Adm. Code 714

3) Section Numbers: Adopted Action:

714.10	Repealed
714.20	Repealed
714.30	Repealed
714.40	Repealed
714.100	Repealed
714.110	Repealed
714.120	Repealed
714.130	Repealed
714.300	Repealed
714.310	Repealed
714.320	Repealed

4) Statutory Authority: Section 3(g) of the Disabled Persons Rehabilitation Act. (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3].

5) Effective Date of Rulemaking: March 21, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: March 21, 1995

9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16187

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: No changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: All rules for the Home Services Program are being repealed and have been repropoed. These rules are being replaced by rules proposed under the new rulemakings for the purpose of clarity and conciseness. The new rulemakings do not change any programmatic provisions or requirements.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

- 16) Information and questions regarding these adopted repealers shall be directed to:

Susan Wartner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 13429
 Springfield, IL 62794-9429
 (217) 785-3896 or TTY: (217) 785-9301

- 17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Prescreening
- 2) Code Citation: 89 Ill. Adm. Code 681
- 3) Section Numbers: Adopted Action:
- | | |
|--------|-------------|
| 681.10 | New Section |
| 681.20 | New Section |
| 681.30 | New Section |
| 681.40 | New Section |
| 681.50 | New Section |
| 681.60 | New Section |
| 681.70 | New Section |
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) Effective Date of Rulemaking: March 21, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: March 21, 1995
- 9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16199
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: Technical changes were made pursuant to agreement with JCAR. Pursuant to agreement with JCAR, in line 45, "DOA" was changed to "DoA".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: All rules regarding DORS' Home Services Program are being repealed and repropoed. These new rules are being repropoed for the purpose of clarity and conciseness. No programmatic changes have been made.
- 16) Information and questions regarding these adopted rules shall be directed to:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

Susan Warner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, IL 62794-9429
 (217) 785-3896 or TTY: (217) 785-9301

- 17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

TITLE 89: DEPARTMENT OF REHABILITATION SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER d: HOME SERVICES PROGRAM

PART 681
 PRESCREENING

Section
 681.10 Who Must be Prescreened
 681.20 DORS Prescreening Responsibilities
 681.30 Prescreening Process
 681.40 Time Frames for Action on Prescreenings
 681.50 Outcome of Prescreening Process
 681.60 Certification of Prescreening Results
 681.70 Necessity of Prescreening

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5086, effective MAR 21 1995.

Section 681.10 Who Must be Prescreened

Per Department of Public Aid (DPA) rules found at 89 Ill. Adm. Code 140.642, all individuals age 18 and older, who may seek Medicaid funding for ICF or SNF placement, must be prescreened.

Section 681.20 DORS Prescreening Responsibilities

- a) DORS must prescreen any individual who is at least 18 years of age, but less than 60 years of age, who is seeking Medicaid funding for institutional placement as a result of a physical disability and/or has been diagnosed as having AIDS, AIDS related complex or HIV.
 - b) DORS does not prescreen individuals who:
 - 1) are less than 18 years of age, or 60 years of age or older;
 - 2) will have their institutional placement funded by a source other than Medicaid for at least 60 calendar days;
 - 3) are transferred from one ICF or SNF to another (e.g., ICF to ICF, SNF to SNF, ICF to SNF, SNF to ICF);
 - 4) resided in an ICF or SNF for a period of at least 60 calendar days who are returning to an ICF or SNF after an absence of not more than 60 calendar days;
 - 5) are returning to an ICF or SNF after an absence for medical care, regardless of the duration of the absence; or
 - 6) have a diagnosis of developmental disability or mental illness, regardless of age.

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Section 681.30 Prescreening Process

The major component of the prescreening process is the completion of the DON. This assessment form, completed by the counselor, or appropriate representation of a cooperating social service agency/hospital who has been trained by DORS or DoA, from input by the customer, measures the level of impairment of an individual and the unmet need the individual has as a result of the impairment. Determination of eligibility for Medicaid payment for institutional care and eligibility for HSP services is based on the points earned in both of these categories and their totals.

Section 681.40 Time Frames for Action on Prescreenings

- a) If a request for a prescreening is received by DORS from a cooperating social service agency/hospital which is providing DORS with customer information including a DON score, the counselor must act on the request within 2 working days.
- b) If a request for prescreening is received by DORS from a non-cooperating agency/hospital which will include only basic customer information (i.e., name, address, etc.), the counselor must act on the request within 10 working days.

Section 681.50 Outcome of Prescreening Process

As a result of the Prescreening, the individual will be determined as:

- a) eligible to receive Medicaid payment for institutional placement and therefore eligible to consider HSP as an alternative to institutional care; or
- b) ineligible to receive Medicaid payment for institutional placement. However, the individual may still be eligible to receive HSP services.

Section 681.60 Certification of Prescreening Results

- a) After the prescreening is completed, if the customer has chosen institutional placement, the counselor must complete an INTERAGENCY CERTIFICATION OF RESULTS/DETERMINATION OF IMMINENT RISK (DPA:2536) form and an OBRA 1 ID Screen form and forward the results to the nursing facility.
- b) Further, if the individual is eligible and has chosen institutional placement over HSP services, the customer must sign and date the appropriate form, indicating nursing home preference and that the customer has been informed of the availability of HSP services as an alternative to institutionalization and has chosen the institutional care.
- c) Results must be certified, as per subsection (a) above, regardless of whether the individual is eligible.

Section 681.70 Necessity of Prescreening

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It is not required that an individual undergo prescreening to apply for HSP services. Prescreening is only required when institutionalization is being considered as a placement for the individual.

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NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Prescreening and Eligibility Determination Processes

2) Code Citation: 89 Ill. Adm. Code 690

3) Section Numbers: Adopted Action:

690.100 Repealed

690.200 Repealed

690.300 Repealed

690.400 Repealed

4) Statutory Authority: Section 3(g) of the Disabled Persons Rehabilitation Act. (Ill. Rev. Stat. 1991, ch. 23, par. 3-34(g)) [20 ILCS 2405/3].

5) Effective Date of Rulemaking: March 21, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: March 21, 1995

9) Notice of Proposal Published in Illinois Register:

November 4, 1994, 18 Ill. Reg. 16210

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

No changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

All rules for the Home Services Program are being repealed and have been repropoed. These rules are being replaced by rules proposed under the new rulemakings for the purpose of clarity and conciseness. The new rulemakings do not change any programmatic provisions or requirements.

16) Information and questions regarding these adopted repealers shall be directed to:

Name: Ms. Susan Warner, Manager
Address: Regulations and Procedures Division
Department of Rehabilitation Services

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALER

P.O. Box 19429

Springfield, Illinois 62794-9429

Telephone: (217) 785-3896

TTY: (217) 785-9301

17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

- 1) Heading of the Part: Program Description
- 2) Code Citation: 89 Ill. Adm. Code 675
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
675.100	Repealed
675.200	Repealed
675.300	Repealed
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) Effective Date of Rulemaking: March 21, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 21, 1995
- 9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16210
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: All rules for the Home Services Program are being repealed and have been repropoed. These rules are being replaced by rules proposed under the new rulemakings for the purpose of clarity and conciseness. The new rulemakings do not change any programmatic provisions or requirements.
- 16) Information and questions regarding these adopted repealers shall be directed to:

Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

- Springfield, Illinois 62794-9429
(217) 785-3896 or TTY: (217) 785-9301
- 17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

1) Heading of the Part: Program Description

2) Code Citation: 89 Ill. Adm. Code 676

3) Section Numbers: Adopted Action:

676.10	New Section
676.20	New Section
676.30	New Section
676.40	New Section
676.100	New Section
676.110	New Section
676.120	New Section
676.130	New Section
676.140	New Section
676.150	New Section
676.200	New Section
676.210	New Section
676.300	New Section
676.310	New Section

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) Effective Date of Rulemaking: March 21, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: March 21, 1995

9) Notice of Proposal Published in Illinois Register: November 4, 1994, 13 Ill. Reg. 16219

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: Technical changes were made pursuant to agreement with JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s): All rules regarding DORS' Home Services

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NOTICE OF ADOPTED RULES

Program are being repealed and repropoed. These new rules are being repropoed for the purpose of clarity and conciseness. No programmatic changes have been made.

16) Information and questions regarding these adopted rules shall be directed to:

Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896 or TTY: (217) 785-9301

17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

The full text of the Adopted Rule begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER d: HOME SERVICES PROGRAM

PART 676

PROGRAM DESCRIPTION

SUBPART A: GENERAL PROGRAM PROVISIONS

Section

676.100 Program Purpose and Types

676.110 General Program Accessibility

676.120 Definitions

676.130 Service Description

SUBPART B: CASE MANAGEMENT

Section

676.100 Case Files

676.110 Sharing of Customer Information Between HSP and Other DORS Programs

676.120 Documentation of Information

676.130 Required Customer Signatures and Information

676.140 Application by DORS' Employees, Individuals Holding Contacts with

DORS, DORS Advisory Council Members, Family Members of DORS'

Employees, or Close Friends of DORS' Employees

676.150 Geographic Case Assignment

SUBPART C: VENDOR PAYMENT

Section

676.200 Vendor Payment

676.210 Reporting and Collection of Misspent Funds

SUBPART D: REFERRAL TO DEPARTMENT ON AGING (DOA)

Section

676.300 Criteria for Referral to DOA

676.310 Disposition of Cases not Appropriate for Referral to DOA

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act
 [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5093, effective
MAR 21 1995.

SUBPART A: GENERAL PROGRAM PROVISIONS

Section 676.10 Program Purpose and Types

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a) The Department of Rehabilitation Services' (DORS') Home Services Program (HSP) is a Medicaid Waiver (42 CFR 440.180) program designed to prevent the unnecessary institutionalization of individuals who may instead be satisfactorily maintained at home at a lesser cost to the State.

b) The Medicaid Waiver for the State of Illinois is administered by the Illinois Department of Public Aid (DPA), as the State's approved Medicaid agency. The DORS' Home Services Program (HSP) is a program of the DORS, which is a division of the DPA. Customer appeals (see 89 Ill. Adm. Code 510), however, are handled by the DORS.

Section 676.20 General Program Accessibility

a) All communications given or sent to a customer shall be in a language, medium, and at a level which the customer can understand.

b) All locations in which customer meetings are held must be accessible for the customer and afford the maximum confidentiality for the customer.

Section 676.30 Definitions

For the purposes of this Subchapter, unless otherwise stated, the following terms shall have the following meanings.

a) Activities of Daily Living (ADLs) - those tasks an individual must do, or which an individual must have provided for him/her, in order to prevent institutionalization (i.e., bathing, dressing, shopping, cooking, housekeeping, etc.).

b) Customer - anyone who:

1) has been referred to HSP for a determination of eligibility for services;

2) has applied for services through HSP;

3) is receiving services through HSP;

4) has received services through HSP; or

5) is a parent, family member, guardian, or duly authorized representative of the individual, as appropriate.

c) Counselor - for the purposes of this Subchapter, the term counselor shall mean the DORS' staff person in the local DORS office who has the responsibility for the day-to-day management of the HSP case and case managers for the AIDS Medicaid Waiver Program.

d) Determination of Need (DON) - the assessment tool used to determine an individual's non-financial eligibility for HSP services based on the individual's impairment and need for care. This form measures the level of risk of institutionalization for the individual.

e) DORS - Illinois Department of Rehabilitation Services

f) DPA - Illinois Department of Public Aid

g) Family - any one related by blood, marriage, or adoption to the individual seeking services through HSP or anyone with whom the individual has a close inter-personal relationship and who resides

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with the individual.

- h) Family Unit - for the purposes of determining financial eligibility, the number of persons derived when counting the individual seeking services through HSP and the number of persons in the household who are legally responsible for the individual seeking services and for whom the individual seeking services is legally responsible.

- i) HCFA - the Federal Health Care Financing Administration

- j) HSP - the Home Services Program

- k) Home - a private residence where the customer lives which is not an intermediate care or skilled nursing facility as defined at 77 Ill. Adm. Code 300, or a residential program operated by, or for which funding is provided by, the Illinois Department of Mental Health and Developmental Disability as defined at 59 Ill. Adm. Code 120. For the purpose of this Subchapter, the term "home" shall include domestic violence shelters as defined in Section 1(c) of the Domestic Violence Shelter Act (20 ILCS 2210/1(c)).

- l) Intermediate Care Facility (ICF) - a nursing facility that provides regular health related care to its residents, as well as those services necessary for safe and adequate living.

- m) Individual - the specific person to whom services are provided through HSP.

- n) Legally Responsible Family Member - a spouse, parent or a child who is 20 years of age or under, or a legal guardian of an individual who is under age 18.

- o) Medicaid - the Medicaid program administered by DPA under the Public Aid Code [305 ILCS 5/11].

- p) Medicaid Waiver - the waiver allowing HSP to claim federal reimbursement for approved levels of in-home care for individuals who would otherwise be placed in institutions for such care. The Medicaid Waiver is overseen at the federal level by HCFA.

- q) Personal Assistant (PA) - an individual employed by the customer to provide varied services approved by the customer's physician in the customer's home through HSP.

- r) Physician - a licensed doctor of medicine (M.D.) or doctor of Osteopathy licensed pursuant to the Medical Practice Act [225 ILCS 60].

- s) Prescreening - an assessment to determine an individual's need for institutional care at the ICF or SNF level care, to ensure Medicaid payment for such a placement is appropriate, and the assessment as to whether or not HSP services are an appropriate alternative to institutional care for the individual.

- t) Service Cost Maximum (SCM) - the maximum monthly amount which may be expended for HSP services for an eligible individual. This amount is determined based on the individual's DON score and the specific programmatic component of HSP through which the individual is being served.

- u) Service Plan - specifically, the HOME SERVICES PROGRAM SERVICE PLAN (IL 488-1049) or HOME SERVICES PROGRAM SERVICE PLAN ADDENDUM (IL

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488-1050) forms, on which all services to be provided an individual through HSP are listed.

- v) Services - The necessary tasks provided to an individual, in one or more of the areas listed in Section 676.40 and listed on the individual's Service Plan, through HSP with the intent of preventing the unnecessary institutionalization of the individual.

- w) Skilled Nursing Facility (SNF) - A facility that provides regular and on-going nursing level care to its residents due to the residents' medical conditions, as well as those services necessary for safe and adequate living.

Section 676.40 Service Description

The following is a listing of the services available through HSP. The service level, combination of services, and amount of services for which an individual is eligible is dependent upon the needs of the individual as determined during the determination of eligibility (See 89 Ill. Adm. Code 681).

- a) Personal Assistant (PA) Services - services provided by an individual under the supervision of the customer. Services provided by a PA must be approved by the customer's physician.

- b) Adult Day Care (ADC) Services - direct care and monitoring of customers in a community-based setting for any portion of a 24-hour day for the purpose of promoting social, physical, and emotional health and well being and offering an alternative to an institutional setting.

- ADC services are provided only when the social, emotional, and physical needs of the individual cannot be met in the home through other available services.

- c) Homemaker Services - general support provided by trained and professionally supervised individuals to maintain, strengthen, and safeguard the functioning of an individual in his/her home when no responsible person is available or capable of monitoring such services. Such services include the actual completion of, and the training in, completion of ADLs.

- d) Maintenance Home Health Services - services provided for an individual, in his/her home, in accordance with a care plan prescribed or recommended by a physician or other health care professional. These services include three basic categories of care, which are:

- 1) direct health care provided by a registered nurse (RN) and/or a licensed practical nurse (LPN);
 - 2) direct health care provided by a Certified Nurse Aid (CNA) who is supervised by a RN or LPN; and
 - 3) in-home therapy, including the areas of physical, occupational and speech therapy.
- e) Home Delivered Meals - prepared food brought to the individual's home. Usually, home delivered meals consist of a hot lunch and a smaller dinner meal that may be refrigerated and eaten later. These services are provided when available and when more cost effective than PA

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services for an eligible individual who has a need for care in the area of meal preparation but who can adequately feed him/herself.

- f) Electronic Home Response Services (EHRS) - a 24-hour per day emergency communication link to assistance outside the individual's home for individuals who have no other persons available for assistance should an emergency arise.
- g) Assistive Equipment - items with a useful life of at least one year expressly designed and used by an individual to increase his/her independence in completion of his/her ADLs. When provided, assistive equipment must result in a current or anticipated decrease in, or the elimination of, any need for assistance from another individual in the completion of ADLs. Assistive equipment may be purchased, rented, or repaired, depending on the needs and anticipated needs of the individual.
- h) Environmental Modification - services to physically change the individual's home so that he/she may be more independent in the completion of his/her ADLs. Provision of environmental modification services must result in a decrease in, or elimination of, assistance from another individual in the completion of ADLs.
- i) Respite Services - Limited PA, Homemaker, and Maintenance Home Health services provided to an individual to provide for his/her ADLs during periods of time it is necessary for the family/primary care giver to be absent. Respite services are provided to an individual to allow the family/primary care giver relief for vacations, rest, errands, family crises and emergency situations. Respite services are provided in the maximum amount of 240 hours per calendar year and are provided regardless of financial need. DON score points for respite services differ from those of regular HSP services (see 89 Ill. Adm. Code 679.40).

SUBPART B: CASE MANAGEMENT

Section 676.100 Case Files

A separate case file will be kept for each individual served through HSP regardless of his/her customer status for any other program of DORS. Each case will have a separate and unique case number.

Section 676.110 Sharing of Customer Information Between HSP and Other DORS Programs

- a) All information received by DORS for the purpose of providing HSP services to an individual shall only be used for such purposes and may not be shared with any other program of DORS unless the individual consents to the release of such information and a release of information is signed by the customer authorizing the release.
- b) No information may be obtained from a case file of another program of DORS by HSP for the purposes of providing services to an individual

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unless the individual consents to the release of such information and a release of information is signed by the customer authorizing the release.

Section 676.120 Documentation of Information

All records and information which may effect the determination of an individual's eligibility, services, or future services must be maintained in the customer's case file.

Section 676.130 Required Customer Signatures and Information

In order to receive services, or continue to receive services, a customer is required to sign all forms, and supply any information required to complete those forms, which are necessary to comply with all applicable State and Federal laws or the provisions of the Medicaid Waiver or are necessary to process payments through the Comptroller's Office. An individual receiving PA services must also sign the Customer/Provider Agreement, pursuant to 89 Ill. Adm. Code 686.10.

Section 676.140 Application by DORS' Employees, Individuals Holding Contracts with DORS, DORS Advisory Council Members, Family Members of DORS' Employees, or Close Friends of DORS' Employees

- a) At any time a DORS' employee, an individual holding a contract with DORS, a DORS Advisory Council member, a family member of a DORS' employee, or a close friend of a DORS' employee applies for services from DORS, and it is brought to the attention of the counselor, the counselor must notify his/her supervisor who shall notify the Regional Administrator (RA) in writing.
- b) After review of the situation, the RA shall make assignment of the case to an appropriate staff member to ensure propriety of services.
- c) For the purposes of this Section, "family member" shall mean spouse, sibling, child, parent, parent-in-law, sibling-in-law, or any other blood relative who resides in the household of the employee or employee's spouse.
- d) For the purpose of this Section, "close friend" shall mean any individual who has such a relationship with the employee that would cause a conflict of interest or the appearance of impropriety.
- e) Any employee who knows of or suspects that services to another DORS' employee, individual who holds a contract of a DORS' employee, or close friend of a DORS' employee have not been reported as required in subsection (a), above, shall report the situation to his/her immediate supervisor. The immediate supervisor must investigate the situation and take appropriate action. Appropriate action may include reassignment of the case and discipline of the employee violating these requirements if there is evidence the employee knew the individual to be an individual described in subsection (a), above, and

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failed to report the situation.

Section 676.150 Geographic Case Assignment

A customer will be served by the office which is assigned the geographic area of the customer's residence. Exceptions to such assignment may be made only with the written approval of the Regional Administrator, Division Manager - Division of Home Services, or Deputy Director.

SUBPART C: VENDOR PAYMENT

Section 676.200 Vendor Payment

No payment will be made to any vendor unless the services for which the payment is to be made were approved by DORS. Further, no payment shall be made until after service has been rendered and verified.

Section 676.210 Reporting and Collection of Misspent Funds

Any funds authorized through HSP thought to have been misspent shall be reported and collected, as appropriate pursuant to DORS' rules found at 89 Ill. Adm. Code 527 - Misspent Funds.

SUBPART D: REFERRAL TO DEPARTMENT ON AGING (DOA)

Section 676.300 Criteria for Referral to DoA

In accordance with the provisions of the interagency agreement between DORS and DoA, individuals meeting the following criteria shall be referred to DoA to receive services through DoA's Community Care Program (CCP) and their HSP cases closed after the initiation of CCP services. These individuals are those who:

- a) are at least 60 years of age at the time of the referral to DoA;
- b) are receiving only homemaker services, adult day care services, home delivered meals, or any combination of these services; and
- c) have a DON score of at least 15 points on Part A, which includes the 10 points from the Mini-Mental Status Examination (89 Ill. Adm. Code 679.20(a)), if applicable, with a total score of not less than 29 points.

Section 676.310 Disposition of Cases not Appropriate for Referral to DoA

Any individual not meeting the criteria for referral to DoA stated in Section 676.300 shall have his/her case maintained by DORS and shall continue to receive services through HSP as long as he/she continues to meet the eligibility criteria established by DORS.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Provider Requirements, Type Services, and Rates of Payment

- 2) Code Citation: 89 Ill. Adm. Code 686

- 3) Section Numbers: Adopted Action:

686.10	New Section
686.20	New Section
686.30	New Section
686.40	New Section
686.100	New Section
686.110	New Section
686.120	New Section
686.130	New Section
686.140	New Section
686.200	New Section
686.210	New Section
686.220	New Section
686.230	New Section
686.240	New Section
686.300	New Section
686.310	New Section
686.320	New Section
686.330	New Section
686.340	New Section
686.350	New Section
686.400	New Section
686.410	New Section
686.500	New Section
686.510	New Section
686.600	New Section
686.610	New Section
686.620	New Section
686.630	New Section
686.640	New Section
686.700	New Section
686.710	New Section
686.720	New Section
686.800	New Section

- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3).

- 5) Effective Date of Rulemaking: March 21, 1995

- 6) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF REHABILITATION SERVICES

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- 7) Does this rulemaking contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: March 21, 1995
- 9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16228
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: Technical changes were made pursuant to agreement with JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: All rules regarding DORS' Home Services Program are being repealed and repropoed. These new rules are being repropoed for the purpose of clarity and conciseness. No programmatic changes have been made.
- 16) Information and questions regarding these adopted rules shall be directed to:
Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896 or TTY: (217) 785-9301

- 17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

The full text of the Adopted Rule begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 686

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AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5104, effective MAR 21 1995.

SUBPART A: PERSONAL ASSISTANTS

Section 686.10 Personal Assistant (PA) Requirements

In order to be employed by a customer as a PA (89 Ill. Adm. Code 676.30(q)), an individual must:

- have a Social Security number and provide DORS with documented verification of this number;
- be at least 16 years of age and not employed during school hours, 17 years of age and a high school graduate, or at least 18 years of age;
- have provided to the customer at least two written or verbal recommendations from present or former employers, the recommendation of a Center for Independent Living (CIL), or, if never employed, references from at least two non-relatives;
- be able to communicate with the customer to the satisfaction of the

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- customer and counselor;
- be able to follow directions to the satisfaction of the customer and counselor;
- have previous experience and/or training that is adequate and consistent with the specific tasks required for safe and adequate care of the customer;
- have a physician, health care institution (i.e., hospital, nursing home, home health agency), or CIL certify, in writing, that he/she has the knowledge of precautionary procedures for the control of contagious infectious diseases, if it is anticipated that he/she will come into contact with bodily fluids, or be evaluated by a Registered Nurse licensed pursuant to the Illinois Nursing Act of 1997 (Ill. Rev. Stat. 1991, ch. 111, pars. 3501, et seq.) [225 ILCS 65] to determine that he/she has knowledge of such procedures;
- complete a Client/Provider Agreement (IL 488-1947) (the IL 488-1947 is signed by the customer and PA showing mutual acceptance) which certifies the PA:
 - shall provide services to the individual in accordance with his/her Service Plan (IL 499-1049) (89 Ill. Adm. Code 676.20(t));
 - submit a monthly calendar listing of actual hours worked, as verified by the customer and in accordance with the number of hours authorized by DORS. The PA shall not claim more hours than approved by DORS unless prior approval has been granted by the counselor to address a temporary increased service need;
 - shall make available to DORS and other designated agencies those records described in subsection (h)(2) above;
 - shall maintain all customer information as confidential and not for release, either in writing or verbally, to anyone other than those designated by DORS in writing;
 - shall not subcontract to any other person any of the services he/she has agreed to provide;
 - shall provide services only while the individual is in his/her home and report to DORS any absence of the customer from his/her home (89 Ill. Adm. Code 676.20(k)) during the period covered by a Service Plan (89 Ill. Adm. Code 684);
 - shall agree that the individual to whom he/she is providing services, as the customer of PA services, is responsible for locating, choosing, supervising, training, and disciplining as necessary, the PA. Further, that the State of Illinois does not provide paid vacation, holiday, or sick leave; however, such absences shall be reported to the DORS counselor per the Home Services Authorization of Services (IL 488-1844) only for the purposes of processing payment;
 - understands that DORS reports all payments made to a PA to the Illinois Department of Employment Security (DES) and that the PA may apply for unemployment benefits, but DES, not DORS, makes the determination as to whether the PA shall receive benefits;
 - understands that he/she may apply for Workers' Compensation

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benefits through DORS and that some individuals may carry such insurance coverage; however, DORS maintains that the customer, not DORS, is the employer for these purposes; and

10) understands that DORS will withhold only Social Security tax (FICA) and, if requested, union dues from payments made to him/her. No money will be withheld from any payment made through DORS for federal or State income tax, or any other purpose, except in accordance with administrative or judicial orders.

i) complete an I-9 Immigration form, which must be retained by the customer;

j) for PAs starting on or after April 13, 1992, complete a PA Standards (IL 488-2112) to be returned to DORS; and

k) as of April 13, 1992, at the time of redetermination of eligibility of the customer by which he/she is employed, have completed by the customer, a Personal Assistant Evaluation (IL 488-2089).

Section 686.20 Services Which May Be Provided by a PA

A PA may perform or assist with:

- a) household tasks, shopping, or personal care;
- b) incidental health care tasks which do not require independent judgement, with the permission of the customer's physician, customer, and/or family; and
- c) monitoring to ensure the health and safety of the customer.

Section 686.30 Annual Review of PA Performance

a) Pursuant to 686.10(k), annually, at the time of redetermination of the individual's eligibility, a Personal Assistant Evaluation (IL 488-2089) shall be completed, by the customer with assistance of the counselor, for each PA providing services through HSP.

b) PAs shall be evaluated based upon:

- 1) accuracy of work (e.g., ranging from making many errors to few errors);
 - 2) cleanliness of working area (e.g., ranging from very untidy to exceptionally clean);
 - 3) use of work time (e.g., ranging from very wasteful to very efficient);
 - 4) responsibility (e.g., ranging from irresponsible to responsible);
 - 5) attendance (e.g., ranging from frequently absent or late to always prompt); and
 - 6) attitude towards the customer (e.g., ranging from disrespectful to respectful).
- c) The outcome of the evaluation shall be mediated by the counselor between the PA and the customer regarding any unresolved issues, up to and including replacement of the PA by the customer, if necessary.

Section 686.40 Payment for PA Services

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a) PAs shall be paid at the hourly rate set by law, but never less than the current federal minimum wage.

b) PAs shall be paid twice each month for services rendered. The first payment shall be for any services rendered by the PA, pursuant to the customer's Service Plan, from the first day of the month through the fifteenth day of the month. The second payment shall be for any services rendered by the PA, pursuant to the customer's Service Plan, from the sixteenth day of the month through the last day of the month.

SUBPART B: ADULT DAY CARE PROVIDERS**Section 686.100 Adult Day Care (ADC) Provider Requirements**

Adult Day Care Providers must either be approved by DORS or by the Illinois Department on Aging (DoA) pursuant to DoA's rules found at 89 Ill. Adm. Code 240, with the exception that the term "the elderly" in 89 Ill. Adm. Code 240.1560(a)(1)(A)(ii) and (a)(2)(A)(ii) should be replaced with the term "individuals with disabilities". In order to be approved as an ADC Provider by DORS, the ADC Provider must meet all of the conditions specified by DoA, as cited above, and:

- 1) employ a full-time program director;
- 2) employ the equivalent of a full-time program coordinator/director;
- 3) employ a program nurse who is on duty at least a portion of every standard business day;
- 4) employ a nutrition staff;
- 5) comply with the provisions of:
 - A) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 12101), as amended;
 - B) the Illinois Human Rights Act [775 ILCS 5];
 - C) the Illinois Accessibility Code (71 Ill. Adm. Code 400); and
 - D) the Americans with Disabilities Act (42 U.S.C. 12101, et seq.);
- 6) record the administration of all prescribed medications for those customers served through HSP who are unable to self-administer medication as documented by a physician licensed pursuant to the Medical Practice Act [225 ILCS 60], a registered nurse licensed pursuant to the Illinois Nursing Act of 1987 [225 ILCS 65], or as documented in the individual's Service Plan (IL 488-1049) (89 Ill. Adm. Code 676.30);
- 7) provide DORS with a record of the amount of pre-service training each employee has had;
- 8) require, and provide DORS documentation of, at least 12 hours of in-service training for each staff person each fiscal year;
- 9) successfully complete an Adult Day Care Provider Review pursuant to Section 686.120;
- 10) agree to and sign an Adult Day Care Provider Rate Agreement;
- 11) maintain adequate records for planning, budgeting, administration

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and program evaluation and planning. These records shall be available to DORS and the United States Department of Health and Human Services (HHS), or any entity designated by DORS or HHS, and shall be maintained for a period of at least 5 years or until advised that all State and federal audits are completed. These records must include, but not be limited to:

- A) records of all referrals, including the disposition of each referral;
 - B) all customer records;
 - C) administrative records, including:
 - i) service statistics; and
 - ii) billing and payment records;
 - D) personnel records, including:
 - i) schedules and attendance records for staff and volunteers;
 - ii) training records for staff and volunteers;
 - iii) annual performance evaluations for all staff and, as appropriate, all volunteers; and
- 12) have an Affirmative Action plan in place which is approved by its governing body.

Section 686.110 Services Which Must Be Provided by ADC Providers

In order for an Adult Day Care Provider to be recognized by DORS and used to provide services to individuals receiving services through HSP, each Adult Day Care Center must agree to provide the following services:

- a) written and individualized care planning;
- b) assistance and arrangement of personal care, hygiene, and self-care training, as appropriate, based on each individual's needs;
- c) leisure time and recreation activities;
- d) assistance of a medical nature (e.g., medication, assessment, exercise);
- e) meals and snacks; and
- f) maintenance of a complete record for each individual served through the Adult Day Care Center, including full recording of all required services provided to the customer as listed in subsections (a) through (e), above.

Section 686.120 Annual Compliance Review of ADC Providers

- a) DORS shall complete an annual review of each Adult Day Care Provider to ensure compliance with the criteria set forth in this Subpart.
- b) The annual review shall consist of an on-site review conducted by HSP staff using the Adult Day Care Review form (IL 488-2129). Written notification shall be provided to the Adult Day Care Provider prior to the review.
- c) Within 15 days of the completion of the review, a copy of the completed IL 488-2129, along with a letter stating the results of the

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review, shall be mailed to the Adult Day Care Provider. If the Adult Day Care Provider is approved, included with the letter shall be an Adult Day Care Provider Rate Agreement for execution by the appropriate provider staff and return to DORS.

If the Adult Day Care Provider is not approved, the letter shall contain specific information regarding:

- 1) deficiencies found as a result of the review;
- 2) the action necessary for the ADC Provider to come into compliance;
- 3) the time frames within which the ADC Provider must come into compliance; and
- 4) the information necessary for the ADC Provider to request re-evaluation after the compliance issues are addressed.

Section 686.130 Appeal of Compliance Review for ADC Providers

- a) ADC Providers determined not to be in compliance with DORS requirements as a result of the review may appeal the decision to the Manager - Division of Home Services. The Manager shall conduct a review of the facts related to the rating and shall, within 15 working days, provide a written decision to the ADC Provider.
- b) If the ADC Provider is not satisfied with the decision of the Manager, the ADC Provider may request review of the Manager's decision by DORS' Director. The request must be in writing from the ADC provider and received by DORS' Director within 10 working days of the date the decision was rendered by the Manager. The decision of DORS' Director shall be final.

Section 686.140 Payment for ADC Services

- a) DORS shall pay no more than the rate approved by DoA for Adult Day Care Services. The rate established by DoA shall include meals, snacks, and, in some instances, transportation provided by the ADC Center.
- b) Adult Day Care Providers shall submit monthly billings for approved services provided the previous month and progress reports for each customer served by the provider for the month being billed. Billings may be submitted less frequently at the discretion of the Adult Day Care Provider.

SUBPART C: HOMEMAKER SERVICES

Section 686.200 Homemaker Service Provider Requirements

- a) Only those vendors with approved Homemaker Agreements may be used to provide Homemaker Services to individuals being served through HSP.
- b) In order to be approved by DORS, the Homemaker Agency must comply with the following, to the satisfaction of DORS:

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- 1) provide a comprehensive array of services which include, but are not limited to, those services described in Section 686.210;
- 2) assure DORS that all referrals will be responded to within 48 hours of receipt from DORS;
- 3) have written billing procedures and provide a copy to DORS as part of the compliance review;
- 4) have documented procedures to cover unexpected absences and emergencies to ensure services will be provided in an adequate and safe manner to all individuals served by the agency;
- 5) have written procedures to respond to customer and counselor complaints regarding services;
- 6) maintain comprehensive written job descriptions for, at a minimum, the positions of Executive Director/Administrator, supervisory staff, and direct service providers;
- 7) have established a local presence to ensure regular and on-going contact with DORS and other appropriate community groups;
- 8) have procedures for regular and on-going recruitment of direct service providers through local resources;
- 9) be either incorporated or provide DORS with a copy of a written statement of purpose and function;
- 10) maintain adequate records for planning, budgeting, administration and program evaluation and planning. These records shall be available at all times to DORS and the United States Department of Health and Human Services (HHS), or any entity designated by DORS or HHS, and shall be maintained for a period of at least 5 years, or until advised that all State and federal audits are completed. These records must include, but not be limited to:
 - A) records of all referrals, including the disposition of each referral;
 - B) customer records, which include:
 - i) dates and times services were provided to each individual;
 - ii) dates and times of supervisor-homemaker weekly conferences;
 - iii) semi-annual reports of supervisory visits with each customer served;
 - iv) monthly service reports for each customer served which document a summary of services, actual or anticipated changes in the customer's condition, recommended changes in the current HSP Service Plan, and all customer contacts;
 - v) records of all staffings held pertaining to the customer;
 - vi) records of all financial transactions between the customer and any agency employee;
 - C) administrative records, which include:
 - i) cumulative service statistics pertaining to any agreement with DORS;
- ii) billing and payment records which pertain to DORS;
- D) personnel records, which include:
 - i) attendance records;
 - ii) schedules for all direct service staff; individual's documentation regarding each qualification for the position held;
 - iii) wage rate and effective date for each staff member;
 - iv) job performance evaluations for each staff person which include annual evaluations and at least one probationary evaluation completed within the first six months of employment;
 - v) orientation and training attendance information for each staff member which must include the name of each instructor, the date, the time and the title of each training program attended; and
 - vii) verification of liability insurance in the amounts of at least \$15,000 per person bodily injury, \$30,000 minimum per occurrence, and \$10,000 in property damage, per occurrence, if the employee will or could be expected to transport customers in the course of his/her work;
- 11) maintain insurance coverage against any and all liability, loss, damage and/or expense from wrongful or negligent acts of the agency or any of its employees and provide DORS with written verification of such coverage;
- 12) maintain written procedures on reporting loss and damage arising from the wrongful or negligent acts of the agency or any of its employees;
- 13) agree to hold harmless DORS against any and all liability, loss, damage, cost, or expense arising from wrongful or negligent acts of the agency or any of its employees;
- 14) assist DORS in monitoring and evaluating the agency's performance under any agreement with DORS;
- 15) maintain any and all information regarding individuals referred to the agency by DORS as confidential and not for public release without the written consent of DORS and the customer;
- 16) maintain and have available for review by customers and purchasers of services policies governing:
 - A) the nature and scope of each service provided by the agency;
 - B) a two-way receipt system for any time an employee of the agency handles an individual's money, food stamps or other negotiable items or tender;
 - C) personnel policies governing salary, leave time, hours of work, employee grievance procedures, and attendance at in and out-service trainings; and
- 17) have in place an Affirmative Action Plan which is approved by its governing body.
- c) At a minimum, each Homemaker Agency must employ qualified staff in the

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- ii) billing and payment records which pertain to DORS;
- D) personnel records, which include:
 - i) attendance records;
 - ii) schedules for all direct service staff; individual's documentation regarding each qualification for the position held;
 - iii) wage rate and effective date for each staff member;
 - iv) job performance evaluations for each staff person which include annual evaluations and at least one probationary evaluation completed within the first six months of employment;
 - v) orientation and training attendance information for each staff member which must include the name of each instructor, the date, the time and the title of each training program attended; and
 - vii) verification of liability insurance in the amounts of at least \$15,000 per person bodily injury, \$30,000 minimum per occurrence, and \$10,000 in property damage, per occurrence, if the employee will or could be expected to transport customers in the course of his/her work;
- 11) maintain insurance coverage against any and all liability, loss, damage and/or expense from wrongful or negligent acts of the agency or any of its employees and provide DORS with written verification of such coverage;
- 12) maintain written procedures on reporting loss and damage arising from the wrongful or negligent acts of the agency or any of its employees;
- 13) agree to hold harmless DORS against any and all liability, loss, damage, cost, or expense arising from wrongful or negligent acts of the agency or any of its employees;
- 14) assist DORS in monitoring and evaluating the agency's performance under any agreement with DORS;
- 15) maintain any and all information regarding individuals referred to the agency by DORS as confidential and not for public release without the written consent of DORS and the customer;
- 16) maintain and have available for review by customers and purchasers of services policies governing:
 - A) the nature and scope of each service provided by the agency;
 - B) a two-way receipt system for any time an employee of the agency handles an individual's money, food stamps or other negotiable items or tender;
 - C) personnel policies governing salary, leave time, hours of work, employee grievance procedures, and attendance at in and out-service trainings; and
- 17) have in place an Affirmative Action Plan which is approved by its governing body.
- c) At a minimum, each Homemaker Agency must employ qualified staff in the

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positions of:

- 1) Executive Director or Administrator for each local unit providing services who is responsible for the administration of the Homemaker Services program and who, at a minimum, has or is making continued progress towards:

- A) a Bachelor's degree in health, human services, or a related field;
- B) licensure as a Registered Nurse pursuant to the Illinois Nursing Act of 1987 [225 ILCS 65];
- C) certification as a home health care administrator, medical clinic administrator, or other health services administrator; or
- D) one year of related job experience in social services or in a health agency to replace each year of education required in subsection (c)(1)(A) through (C) above, provided that at least 1 year of experience was in a program which provides services to individuals with disabilities.

For the purposes of subsections (c)(1)(A) through (C) above "continued progress" shall mean current registration and evidence of successful completion of course work in an accredited junior college, college, or university for a minimum of 2 semesters or 3 quarters of each academic year. Successful completion shall mean a grade of at least "C" in undergraduate course work or a grade of "B" in graduate course work;

- 2) Supervisors, in a ratio of no less than the equivalent of 1 full-time supervisor to the equivalent of every 20 full-time direct service providers, who is responsible for the supervision of direct service staff and who, at a minimum, has:

- A) a Bachelor's degree with course work in social science, home economics, or nursing;
- B) knowledge and skill equivalent to completion of a Bachelor's degree, as described in subsection (c)(1)(A) above; or
- C) a high school diploma or its equivalent plus health service experience including at least 2 years supervisory experience;

- 3) direct service providers who have:

- A) been determined to be in good health;
- B) knowledge and skill equivalent to a high school diploma;
- C) experience as a homemaker, either in his/her own home or through employment; and
- D) knowledge of:
 - i) nursing care;
 - ii) first aid;
 - iii) personal and environmental hygiene;
 - iv) household budgeting;
 - v) housekeeping;
 - vi) nutrition;
 - vii) food preparation; and

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viii) clothing care.

- d) Each supervisor and direct service provider must, at a minimum, participate in the following training programs:

- 1) Orientation, which shall include:
 - A) the philosophy and purpose of Homemaker Services; and
 - B) the functions of Homemaker Services;
- 2) in-service training, directed at increasing the direct service provider's knowledge and skills, of not less than 12 hours each year in areas including:
 - A) disability awareness; and
 - B) Acquired Immunodeficiency Syndrome (AIDS).
- e) Written policy and procedures governing a self-evaluation process to evaluate services and case management with an outcome of written recommendations to the governing body of the agency to improve the services which the agency provides.
- f) With the provisions of the following federal and State laws and regulations regarding employment compliance:
 - 1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d);
 - 2) Section 504 of the Rehabilitation Act of 1973;
 - 3) the Americans with Disabilities Act (42 U.S.C. 12101); and
 - 4) the Illinois Human Rights Act [775 ILCS 5].

Further, the agency shall provide DORS with a letter certifying compliance with the provisions of the laws stated in subsections (f)(1) through (4) above and a copy of the Affirmative Action Plan for the agency.

Section 686.210 Services Which Must Be Provided by Homemaker Agencies

The Homemaker Agency must provide professionally directed home management and personal care services directly provided by trained homemakers to individuals served through HSP who require supportive, protective or teaching functions because of the lack of a responsible person or entity to provide such for the individual in the areas of:

- a) teaching, performance and/or assistance with household, financial and time management;
- b) teaching, performance and/or assistance with meal planning and preparation and nutrition, including the preparation of specially prescribed diets and snacks;
- c) teaching, performance and/or assistance with personal care and hygiene which is of a non-medical nature;
- d) observation and reporting of the individual's behavior and activities to DORS for the purpose of assessment and service planning; and
- e) emergency services to meet an unforeseen need in the areas listed in subsections (a) through (d) above when contacted by the individual or DORS and preapproved by DORS.

Section 686.220 Annual Compliance Review of Homemaker Agencies

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- a) DORS shall conduct a compliance review of any Homemaker Agency seeking an approved rate agreement with DORS and annually shall conduct a compliance review of all Homemaker Agencies that have current rate agreements with DORS for the purpose of determining compliance or continued compliance with the criteria set forth in this Subpart.
- b) DORS shall notify all Homemaker Agencies having current approved rate agreements, in writing, at least 10 working days prior to the date of the review to determine continued compliance.

Section 686.230 Appeal of Compliance Review for Homemaker Agencies

- a) Homemaker Agencies determined not to be in compliance with DORS requirements, as a result of the review, may appeal the decision to the Manager - Division of Home Services. The Manager shall conduct a review of the facts related to the rating and shall, within 15 working days, provide a written decision to the Homemaker Agency.
- c) If the Homemaker Agency is not satisfied with the decision of the Manager, the Homemaker Agency may request review of the Manager's decision by DORS' Director. The request must be in writing and received by DORS' Director within 10 working days of the date the decision was rendered by the Manager. The decision of DORS' Director shall be final.

Section 686.240 Payment for Homemaker Services

- a) Payment for Homemaker Services shall be at the rate specified in the rate agreement signed by DORS and the approved Homemaker Agency.
- b) Services shall be paid in increments of not less than one-quarter hour, pursuant to the Service Plan developed for the individual.
- c) Homemaker Agencies shall submit monthly billings for approved services provided the previous month and monthly progress reports for each customer served by the agency for the month being billed. Billings may be submitted less frequently at the discretion of the Homemaker Agency.
- d) Payment for Homemaker Services shall be allowed only for those hours services are being provided to the individual being served through HSP. No payment shall be claimed for those periods which the agency employee spends traveling, in conferences, etc., or for expenses incurred by the agency employee.

SUBPART D: ELECTRONIC HOME RESPONSE SERVICES

Section 686.300 Electronic Home Response Services (EHRS) Provider Requirements

In order for a specific EHRS Provider to be approved for use by DORS in obtaining services for individuals served through HSP, the EHRS Provider must:

- a) have, and make available on request:
 - 1) articles of incorporation; or

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- 2) if unincorporated, a statement of purpose and function; and
- 3) a list of the owners and/or the EHRS Provider's owners and/or directors/officers;
- b) have written policies, which are available to DORS and all customers, governing:
 - 1) the type and scope of services provided, which include clear and concise distinctions between services, if more than one service is offered;
- 2) personnel policies, including:
 - A) salary schedules;
 - B) work hours;
 - C) employee attendance and leave;
 - D) written job descriptions, which include clear and concise duties and qualifications for each position;
 - E) grievance procedures; and
 - F) requirements for staff training and in-service;
- c) maintain adequate records for planning, budgeting, administration and program evaluation and planning. These records shall be available at all times to DORS and the United States Department of Health and Human Services (HHS), or any entity designated by DORS or HHS, and shall be maintained for a period of at least 5 years, or until advised that all State and federal audits are completed. These records must include, but not be limited to:
 - 1) records of all referrals, including the disposition of each referral;
 - 2) customer records, which include:
 - A) dates and times of all signaling and the name of the responder to each signaling;
 - B) dates and times of all equipment tests;
 - C) disposition of all emergency signaling;
 - 3) administrative records including:
 - A) service statistics; and
 - B) billing and payment records;
 - 4) personnel records, including:
 - A) schedules and attendance records for staff and volunteers of the EHRS Provider;
 - B) staff and volunteer training reports;
 - C) annual performance review of all EHRS Provider staff;
 - d) accept all referrals made for services by DORS;
 - e) maintain and implement written procedures for the evaluation of its programs and services, the outcome of which shall be to make recommendations to its governing body for improving its services; have and agree to maintain adequate liability insurance coverage and provide DORS a copy of the Certificate of Insurance;
 - f) agree to hold harmless DORS against any and all liability, loss, damage, cost, or expense arising from the wrongful or negligent action of the EHRS Provider or any of its agents, which DORS may sustain, incur, or be required to pay;

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- h) comply with all local, State, and federal laws, regulations, and standards and DORS regulations and standards pertaining to HSP;
- i) maintain as confidential any information obtained regarding a customer of DORS and agree not to release this information without the written approval of DORS' Director or the customer;
- j) certify that the EHRS Provider and any of its agents have not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has the EHRS Provider or any of its agents made an admission of guilt of such conduct which is a matter of record;
- k) agree to provide all services listed in Section 686.310; and
- l) have in place an Affirmative Action Plan approved by its governing body.

Section 686.310 Services Which Must Be Provided by EHRS Providers

In order to be a DORS approved EHRS Provider, the EHRS Provider must:

- a) have trained employees or volunteers that install the EHRS units in the individual's home. This service may not be sub-contracted;
- b) be able to install the EHRS unit in the individual's home within 48 hours upon referral of an individual by DORS to the EHRS provider;
- c) assist the individual in arranging several appropriate responders and provide training to those responders;
- d) provide 24-hour monitoring;
- e) provide instruction to the individual receiving EHRS services on the proper use of the EHRS unit at the time the unit is installed. The instruction must include:
 - 1) provisions for monthly testing of the unit and its transmission by the individual receiving the EHRS services; and
 - 2) general care of the home unit; and
- f) in the event of unit malfunction, the EHRS Provider must repair or replace the unit within 24 hours of receiving the report.

Section 686.320 Minimum Specifications for EHRS Equipment

- a) All home units, at a minimum, must meet the requirements of this subsection (a).
 - 1) Home units must be able to be activated from:
 - A) a wireless remote; and
 - B) from the telephone, using a predetermined number;
 - 2) The wireless remote activator must have:
 - A) a crystal or Surface Acoustic Wave (SAW) resonator controlled transmitted frequency for long-term reliability;
 - B) digital encoding capability for at least 10 combinations;
 - C) a minimum transmission range of 175 feet;
 - D) an internal battery with a minimum life of 5 years;
 - E) low battery signal; and
 - F) certification under 47 CFR 15, October 1, 1985, with no

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- later amendments.
- 3) The base unit or communicator unit must:
 - A) be an integrated unit that connects to the individual's telephone via a modular jack which does not interfere with the normal use of the telephone;
 - B) connect to a standard home electrical outlet, as its power supply, by use of an Underwriter's Laboratory approved plug;
 - C) be able to seize the telephone line, even when a telephone in the dwelling is off the hook, and dial the EHRS Center to transmit an emergency signal;
 - D) the base unit must have an easily identifiable "Ready" light to verify the unit is on-line with the EHRS Center;
 - E) the base unit must have an easily identifiable "confirmation" light to indicate that, if activated, the EHRS Center has received the call;
 - F) disconnect and redial, until the call is received at the EHRS Center, if an emergency call does not reach the EHRS Center;
 - G) have a simple process by which signals may be aborted, in the event an erroneous signal is sent;
 - H) have a battery, which is continuously charged while the unit is on, that will maintain a charge for at least 12 hours in the event of an electrical power failure;
 - I) transmit a message to the EHRS Center signifying maintenance of the unit is required in the event of base unit battery failure; and
 - J) be certified under 47 CFR 15 and 68, October 1, 1985, with no later amendments.
- b) All EHRS Center equipment, at a minimum, must:
 - 1) be capable of automatically receiving all signals and displaying and printing all messages sent from home communicators connected to the EHRS system;
 - 2) have an audible and visual alarm for the notification of all incoming signals;
 - 3) display and print the incoming message, date, time, and customer identification for each incoming signal;
 - 4) have a battery back-up which will automatically take over should there be a power outage, or a single circuit failure. This battery back-up must supply sufficient power to operate the entire system for a minimum of 8 hours in the event of an outage;
 - 5) have totally separate and independent primary and back-up receivers. If the primary receiver should fail, the system must automatically transfer to the back-up receiver to ensure no interruption in services;
 - 6) monitor all connected telephone lines and give an audible signal should one of the connected telephone lines be out of service for a period of longer than one minute;
 - 7) be able to identify each individual customer account;

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- 8) perform self-diagnostic testing and monitoring to indicate the status of fault conditions, which could interfere with receiving signals and monitoring telephone connections such as power loss, telephone line outages, signals received with no messages, inoperation of transmitters, etc.; and
- 9) be certified under 47 CFR 15 and 68, October 1, 1985, with no later amendments.

Section 686.330 Annual Compliance Review of EHRS Providers

- a) DORS shall conduct a compliance review of any EHRS Provider seeking an approval from DORS and annually shall conduct a review of all EHRS Providers that have current approval of DORS for the purpose of determining compliance or continued compliance with the criteria for approval set forth in this Subpart.
- b) DORS shall, when contacted by an EHRS Provider, or when notified by staff of the need to access the services of a specific EHRS Provider, conduct the review within a period of 60 calendar days.
- c) DORS shall notify all currently approved EHRS Providers, in writing, at least 10 working days prior to the date of the review to determine continued compliance.

Section 686.340 Appeal of Compliance Review for EHRS Providers

- a) EHRS Providers determined not to be in compliance with DORS requirements as a result of the review may appeal the decision to the Manager - Division of Home Services. The Manager shall conduct a review of the facts related to the rating and shall, within 15 working days, provide a written decision to the EHRS Provider.
- b) If the EHRS Provider is not satisfied with the decision of the Manager, the EHRS provider may request review of the Manager's decision by DORS' Director. The request must be in writing and received by DORS' Director within 10 working days of the date the decision was rendered by the Manager. The decision of DORS' Director shall be final.

Section 686.350 Rate of Payment for EHRS Services

- a) Installation
DORS shall pay up to \$75.00 as a one time installation fee for the installation of the EHRS unit, plus the charge of the local telephone company for telephone service hook up for those customers who do not have local telephone service at the time EHRS services are initiated.
- b) Monthly Service Fees
DORS shall pay no more than \$70.00 per month for EHRS services, including all fees and charges. DORS will not pay the cost of the monthly local telephone services required to have EHRS.

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SUBPART E: MAINTENANCE HOME HEALTH SERVICE

Section 686.400 Maintenance Home Health Provider Requirements

DORS shall use Maintenance Home Health Providers which are approved Medicaid providers or licensed by the Illinois Department of Public Health pursuant to the Home Health Agency Licensing Act [210 ILCS 55].

Section 686.410 Rate of Payment for Maintenance Home Health Services

DORS shall pay Maintenance Home Health Providers the rate established by the Illinois Department of Public Aid through the Medicaid Program for the same service.

SUBPART F: HOME DELIVERED MEALS

Section 686.500 Home Delivered Meals Provider Requirements

Any entity providing Home Delivered Meals must be certified by the health department in the county in which the program or facility is located and must meet the approval of the customer and counselor.

Section 686.510 Rate of Payment for Home Delivered Meals

Providers of Home Delivered Meals may be paid up to the amount that would be paid a PA to prepare meals for the customer.

SUBPART G: ENVIRONMENTAL MODIFICATION

Section 686.600 Environmental Modification Provider Requirements

All vendors which provide Environmental Modification services must:

- a) be selected pursuant to the bidding requirement found at 44 Ill. Adm. Code 1175;
- b) meet the approval of the customer and counselor;
- c) carry at least \$500,000 in liability insurance, and provide DORS with a copy of the Certificate of Insurance verifying the coverage; and
- d) perform all modifications so that they meet the standards established by the Capital Development Board at 71 Ill. Adm. Code 400 - Accessibility Standards.

Section 686.610 Cost of Environmental Modification

The cost of environmental modification, when amortized over a 12 month period and added to all other monthly service costs, may not exceed the SCM (89 Ill. Adm. Code 679) established for the customer's case.

Section 686.620 Permanency of Environmental Modification

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For environmental modifications which cannot be detached from the dwelling, the home must be owned by the customer or other family member living in the home, or the customer, with the assistance of the counselor, must obtain written permission of the landlord to make the modifications.

Section 686.630 Reason for Denial of Environmental Modification

Environmental modifications shall be denied when:

- a) the cost of the modifications do not comply with the provisions of Section 686.610;
- b) the customer has a poor history as a tenant, or is otherwise not expected to remain in the home to be modified for a period of at least 1 year;
- c) the past practices or reputation of the landlord is unfavorable; or
- d) the modifications are for "value added" or cosmetic purposes.

Section 686.640 Verification of Environmental Modification

Within 30 days of the date of completion of the environmental modification, the counselor must make a home visit to inspect the modifications and to ensure customer satisfaction with the modification. Signed verification from the customer shall be required to verify receipt and satisfaction with the modification.

SUBPART H: ASSISTIVE EQUIPMENT

Section 686.700 Assistive Equipment Provider Requirements

All vendors which provide Assistive Equipment services must:

- a) be selected pursuant to the bidding requirement found at 44 Ill. Adm. Code 1175; and
- b) meet the approval of the customer and counselor.

Section 686.710 Provision of Assistive Equipment

- a) Assistive equipment may be provided to a customer if:
 - 1) there are no other resources, public or private, which will provide the equipment;
 - 2) the cost of providing the equipment, when amortized over a 12 month period and added to all other service costs, does not exceed the SCM (89 Ill. Adm. Code 679) established for the customer's case; and
 - 3) the equipment reduces the need for an existing service and/or anticipated increase in a service provided through HSP.
- b) Assistive equipment may be purchased, rented, or repaired for a customer, based on the following:
 - 1) assistive equipment shall be purchased when:
 - A) the customer is expected to need the equipment for a period

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to exceed 1 year;
 B) the cost of renting the equipment exceeds the purchase price of the equipment; or

C) the equipment is not available for rental;

2) assistive equipment shall be rented for a customer when:

- A) the customer is not expected to need the equipment for an extended period of time (i.e., less than 1 year); and
- B) the rental cost for the equipment for the period the customer is expected to need the equipment is less than the purchase price for the equipment; and
- 3) assistive equipment shall be repaired for a customer when:
 - A) the equipment is already in the possession of the customer;
 - B) the repair cost is less than the rental or purchase price for the same equipment; and
 - C) the equipment, when repaired, is expected to have an increased useful life of at least 1 year.

Section 686.720 Verification of Receipt of Assistive Equipment

- a) Within 30 calendar days of receipt of purchased assistive equipment, the counselor must make a home visit to verify that the equipment has been delivered to the customer or repaired and to ensure customer satisfaction. Written verification from the customer shall be required to verify receipt and satisfaction.
- b) Within 30 calendar days of rental or repair of assistive equipment, the counselor must contact the customer by phone or in person and document customer satisfaction with the rental/repair in the case file.

SUBPART I: RESPITE CARE

Section 686.800 Respite Care Provider Requirements

Any individual or agency providing respite services to an individual through HSP must meet the standards set forth in the appropriate Subpart for that service as listed in this Part.

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NOTICE OF ADOPTED REPEALERS

1) Heading of the Part: Redetermination of Eligibility

2) Code Citation: 89 Ill. Adm. Code 698

3) Section Numbers: Adopted Action:

- 698.10 Repealed
- 698.100 Repealed
- 698.200 Repealed
- 698.300 Repealed

4) Statutory Authority: Section 3(g) of the Disabled Persons Rehabilitation Act. (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3].

5) Effective Date of Rulemaking: March 21, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: March 21, 1995

9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16249

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: No changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: All rules for the Home Services program are being repealed and have been repropoed. These rules are being replaced by rules proposed under the new rulemakings for the purpose of clarity and conciseness. The new rulemakings do not change any programmatic provisions or requirements.

16) Information and questions regarding these adopted repealers shall be directed to:

Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

P.O. Box 19429
Springfield, Illinois 62794-9429
(217) 785-3896 or TTY: (217) 785-9301

17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Service Plan Development

2) Code Citation: 89 Ill. Adm. Code 700

3) Section Numbers: Adopted Action:

700.100	Repealed
700.150	Repealed
700.200	Repealed
700.250	Repealed
700.300	Repealed
700.400	Repealed
700.500	Repealed
700.600	Repealed
700.App. A	Repealed

4) Statutory Authority: Section 3(g) of the Disabled Persons Rehabilitation Act. (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3].

5) Effective Date of Rulemaking: March 21, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: March 21, 1995

9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16253

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: No changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: All rules for the Home Services Program are being repealed and have been repropoed. These rules are being replaced by rules proposed under the new rulemakings for the purpose of clarity and conciseness. The new rulemakings do not change any programmatic provisions or requirements.

16) Information and questions regarding these adopted repealers shall be

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALER

directed to:

Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
(217) 785-3896 or TTY: (217) 785-9301

17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

1) Heading of the Part: Service Planning and Provision

2) Code Citation: 89 Ill. Adm. Code 684

3) <u>Section Numbers:</u>	<u>Adopted Action:</u>
684.10	New Section
684.20	New Section
684.30	New Section
684.40	New Section
684.50	New Section
684.60	New Section
684.70	New Section
684.90	New Section
684.90	New Section
684.100	New Section

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) Effective Date of Rulemaking(s) (Amendments, Repealer): March 21, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: March 21, 1995

9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16264

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: No changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: All rules regarding DORS' Home Services Program are being repealed and repropoed. These new rules are being repropoed for the purpose of clarity and conciseness. No programmatic changes have been made.

16) Information and questions regarding these adopted rules shall be directed to:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
(217) 785-3896 or TTY: (217) 785-9301

17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

The full text of the Adopted Rule begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER d: HOME SERVICES PROGRAM

PART 684

SERVICE PLANNING AND PROVISION

Section	Service Plan
684.10	Procuring an Appropriate Service Provider
684.20	Family Members as Service Providers
684.30	Distribution of the Service Plan
684.40	Service Plan Content
684.50	Provision of Services
684.60	Service Planning Limitations
684.70	Interim Services
684.80	Coordination of HSP and Other Services
684.90	Denial or Termination of HSP Services
684.100	

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5129, effective MAR 21 1995.

Section 684.10 Service Plan

- a) All services to be provided to an individual through HSP must be necessary to meet an unmet care need of the individual or to provide relief to the caregiver for individuals eligible for respite care services, and listed on a HSP Service Plan which is developed for the individual, agreed to and signed by the customer and counselor.
- b) Services provided through HSP to an individual must be:
- 1) safe and adequate;
 - 2) cost effective; and
 - 3) the most economical in terms of the individual's needs, unless a service is not available at the most economical level. In such instances, the next higher service level may be used as long as services remain within the SCM established for the individual. Documentation of an ongoing effort to locate services at the appropriate level must be in the individual's case file.
- c) The initial HSP Service Plan for an individual must be submitted with all other necessary forms to the individual's physician during the eligibility determination phase of the case (89 Ill. Adm. Code 681.100(g)) for the purpose of review and approval of the plan for care by the physician.

Section 684.20 Procuring an Appropriate Service Provider

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- a) The customer and the counselor share the responsibility to locate an appropriate service provider.
- b) The counselor has the responsibility to identify the appropriate level of service provider based on the individual's approval of the initial service plan.

Section 684.30 Family Members as Service Providers

- a) Legally responsible family members (89 Ill. Adm. Code 676.30) or family member for whom the individual is legally responsible (e.g., spouse, children) may not be paid through HSP to be service providers. Specifically, these individuals are:
- 1) a spouse;
 - 2) a parent of a minor child; and
 - 3) a minor child of the individual receiving services.
- b) Other relatives (i.e., aunts, uncles, first cousins, grandparents, siblings) may be paid to provide services to an individual only when:
- 1) no other appropriate service providers can be located. The case file must contain documentation that a serious and ongoing effort is being made to locate another appropriate service provider; or
 - 2) the counselor has determined, based on documentation in the case file, that the family member is the most appropriate service provider due to the care involved, or the circumstances.
- c) Individuals with a less degree of relationship to the customer shall not be considered family members for the purpose of providing services.

Section 684.40 Distribution of the Service Plan

A copy of the approved HSP Service Plan for the individual must be given to the customer, each service provider, and a copy retained for the case file.

Section 684.50 Service Plan Content

The HSP Service Plan shall include the type of service(s) to be provided to the individual, the specific tasks involved, the frequency with which the specific tasks are to be provided, the number of hours each task is to be provided per month, the rate of payment for the service(s), and, if the individual is receiving PA services, the plan for backup if the usual PA is not available to provide the services and the next planned date for redetermination.

Section 684.60 Provision of Services

Services may not be provided to an eligible individual when he/she is:

- a) hospitalized;
- b) in a facility/nursing facility;
- c) not residing in his/her home or non-institutional residence; or
- d) outside the State of Illinois.

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Section 684.70 Service Planning Limitations

- a) For individuals served through the standard Medicaid Waiver, all services listed on the Service Plan must be necessary to meet an unmet care need of the individual or, for respite cases, to provide relief to the caregiver, and must be within the SCM for the DON score attained by the individual as a result of the determination or redetermination of eligibility.
- b) For individuals receiving services through the Medicaid Waiver for Persons with AIDS, all services listed on the Service Plan must be necessary to meet an unmet care need of the individual or, for respite cases, to provide relief to the caregiver, and must be within the SCM for the DON score attained by the individual as a result of the determination or redetermination of eligibility.
- c) The SCM may be exceeded for ventilator assisted individuals (VAIs) who are receiving HSP services but have had established, through DPA, a higher rate less the cost of supplies and equipment established by DPA for institutional placement. In such cases, the amount that may be expended for HSP services shall not exceed the special care rate established for that individual by DPA.

Section 684.80 Interim Services

Prior to determination of eligibility (89 Ill. Adm. Code 681), the individual may receive interim services while an official determination of eligibility (89 Ill. Adm. Code 681) is being completed if enough information exists to presumptively establish eligibility based on:

- a) DON score;
- b) evidence of a disability as described at 89 Ill. Adm. Code 681.100(e) based on medical documentation, counselor observation, or oral information received from a knowledgeable medical professional;
- c) the individual's financial eligibility, per 89 Ill. Adm. Code 681: Subpart C;
- d) the individual meets all eligibility criteria as listed in 89 Ill. Adm. Code 682; and
- e) written or verbal approval from the individual's physician as to the appropriateness and safety of the interim service plan agreed to and signed by the customer and the counselor.

Section 684.90 Coordination of HSP and Other Services

- a) During any period covered by a DORS Vocational Rehabilitation (VR) Program (89 Ill. Adm. Code: Subchapter a) Individualized Written Rehabilitation Program (IWRP) (89 Ill. Adm. Code 572) which is developed to allow the provision of training services to an individual, no services through HSP may be provided. If the individual has an active HSP case and is receiving services at the time the IWRP commences, the individual's HSP case must be moved to

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- inactive status or closed.
- b) Services may be provided to an individual receiving those VR services described in subsection (a), above, during breaks from the training facility as long as no duplicate services are being provided through the VR Program.
- c) No HSP services may be provided to an individual who is a student under the age of 21 during the hours covered by the individual's Individualized Education Plan (IEP). Services for which the individual is determined eligible through HSP may be provided during the period the individual is not receiving services through his/her IEP.
- d) Individuals receiving services through HSP must, at the earliest possible date, apply for and accept, if eligible, all other benefits which may affect HSP eligibility or services.
- e) All individuals applying for HSP services on or after October 1, 1991, must apply for, and have an eligibility determination made for, Medicaid benefits through DPA. Individuals in an active service status prior to October 1, 1991, may choose to apply for Medicaid.

Section 684.100 Denial or Termination of HSP Services

HSP services shall be denied or terminated and case closure initiated at any time the individual:

- a) moves from the State of Illinois or cannot be located or contacted;
- b) is determined to have a projected service cost above that of the projected cost of institutionalization, with the exceptions found at 89 Ill. Adm. Code 681.500(a)(1), 681.520, and 684.50(c);
- c) refuses services or further services;
- d) dies;
- e) is institutionalized and not expected to be released for a period to exceed 60 calendar days;
- f) has been referred to another agency for the same or similar services and no longer requires or is eligible for HSP services;
- g) fails to conduct himself/herself in an appropriate manner (e.g., illegal activity, physical or sexual abuse, or threat thereof, or repeated verbal abuse by a customer against a DORS employee, agent or a provider providing services through HSP);
- h) is not, or is no longer, at risk of institutionalization due to improvement of his/her condition;
- i) fails to meet other eligibility criteria as found at 89 Ill. Adm. Code 681 as a result of an initial determination of eligibility or redetermination of eligibility;
- j) fails to cooperate (i.e., refuses to complete and sign necessary forms, fails to keep appointments, fails to maintain adequate providers); or
- k) cannot have a safe and adequate service plan developed for him/her as a result of the original determination of the eligibility or redetermination of eligibility.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

1) Heading of the Part: Service Provisions

2) Code Citation: 89 Ill. Adm. Code 695

3) Section Numbers: Adopted Action:

695.10	Repealed
695.100	Repealed
695.200	Repealed
695.300	Repealed
695.400	Repealed

4) Statutory Authority: Section 3(g) of the Disabled Persons Rehabilitation Act. (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3].

5) Effective Date of Rulemaking: March 21, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: March 21, 1995

9) Notice of Proposal Published in Illinois Register: November 4, 1994, 18 Ill. Reg. 16270

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: No changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: All rules for the Home Services Program are being repealed and have been repropoed. These rules are being replaced by rules proposed under the new rulemakings for the purpose of clarity and conciseness. The new rulemakings do not change any programmatic provisions or requirements.

16) Information and questions regarding these adopted repealers shall be directed to:

Susan Warner, Manager
Regulations and Procedures Division

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED REPEALERS

Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896 or TTY: (217) 785-9301

17) State reasons for this rulemaking if it was not included in the two (2) most recent regulatory agendas:

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Numbers: Emergency Action:
1.100 Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.25g
- 5) Effective Date of Emergency Amendment: March 17, 1995
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: It will not expire before the end of the 150-day period.
- 7) Date Filed in Agency's Principal Office: March 17, 1995

8) Reason for Emergency: P.A. 89-3, which amends Section 2-3.25g of the School Code regarding waiver provisions, took effect February 27, 1995. School districts and other independent authorities can currently petition for a waiver or modification of State Board of Education rules or of School Code mandates. The law provides that waiver or modification of State Board of Education rules and modification of School Code mandates will automatically take effect 45 days after a request is received by the State Board of Education unless during this time period, it is denied under certain circumstances. Unless specific procedures, including deadlines and effective days, are set forth for all districts, a request that threatens the public safety (of students and staff) or educational welfare of students may not be acted upon within the 45-day period and therefore, may become effective.

9) A Complete Description of the Subjects and Issues Involved: These amendments set forth the procedures and application format for submitting to the State Board of Education a request for waiver or modification of State Board of Education rules and of School Code mandates.

10) Are there any proposed amendments to this Part pending? Yes.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1.280	Amendment	18 Ill. Reg. 18180
1.420	Amendment	18 Ill. Reg. 18180
1.440	Amendment	18 Ill. Reg. 18180
1.45	New Section	18 Ill. Reg. 18180
1.40	Repeal	18 Ill. Reg. 18180
610	Amendment	18 Ill. Reg. 18180

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.
- 12) Information and questions regarding this amendment shall be directed to:
Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-0541

The full text of the emergency amendment begins on the next page:

STATE BOARD OF EDUCATION
NOTICE OF EMERGENCY AMENDMENTS

- 1.420 Basic Standards
1.430 Additional Criteria for Elementary Schools
1.440 Additional Criteria for High Schools
1.450 Special Programs
1.460 Credit Earned Through Proficiency Examinations
1.462 Uniform Annual Consumer Education Proficiency Test
1.465 Ethnic School Foreign Language Credit and Program Approval
1.470 Adult and Continuing Education
1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

- Section
1.510 Transportation
1.520 School Food Services
1.530 Health Services
1.540 Pupil Personnel Services

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

- Section
1.610 Public School Districts
1.620 Accreditation of Staff
1.630 Noncertificated Personnel
1.640 Requirements for Different Certificates
1.650 Transcripts of Credits
1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

- Section
1.705 Minimum Requirements for Teachers
1.710 Minimum Requirements for Elementary Teachers
1.720 Minimum Requirements for Teachers of Junior High and Departmentalized Upper Elementary Grades
1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above
1.735 Requirements to Take Effect on July 1, 1991
1.736 Requirements to Take Effect on July 1, 1994
1.740 Standards for Reading
1.750 Standards for Media Services
1.760 Standards for Pupil Personnel Services
1.770 Standards for Special Education Personnel
1.780 Standards for Teachers in Bilingual Education Programs
1.781 Requirements for Bilingual Education Teachers in Grades K-12
1.782 Requirements for Teachers of English as a Second Language in Grades K-12
1.790 Substitute Teacher

STATE BOARD OF EDUCATION
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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: SCHOOL ACCREDITATION

- Section
1.10 Definitions
1.20 The School Accreditation Process
1.30 Development of School Improvement Plans
1.40 Student Performance and School Improvement Requirements
1.50 State Assessment
1.60 Operational Compliance
1.70 Effective Dates of Accreditation
1.80 Academic Watch List
1.90 System of Rewards and Recognition
1.100 Waiver and Modification of State Board Rules and School Code Mandates
EMERGENCY

SUBPART B: SCHOOL GOVERNANCE

- Section
1.210 Powers and Duties
1.220 Duties of Superintendent
1.230 Board of Education and the School Code
1.240 Equal Opportunities for all Students
1.245 Waiver of School Fees
1.250 District to Comply with 23 Ill. Adm. Code 175 and 185
1.260 Commemorative Holidays to be Observed by Public Schools
1.270 Book and Material Selection
1.280 Discipline
1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

- Section
1.310 Administrative Responsibilities
1.320 Duties
1.330 Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

- Section
1.410 Determination of the Instructional Program

STATE BOARD OF EDUCATION

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- APPENDIX A Professional Staff Certification
 APPENDIX B Certification Quick Reference Chart
 APPENDIX C Glossary of Terms
 APPENDIX D State Goals for Learning
 APPENDIX E Evaluation Criteria - Student Performance and School Improvement Determination
 APPENDIX F Criteria for Determination - Student Performance and School Improvement
 APPENDIX G Criteria for Determination - State Assessment

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, and 27-23.3 and authorized by Section 2-3.6 of the School Code 2-3.25g [105 ILCS 5/2-3.25, 2-3.25g (see P.A. 89-3, effective February 27, 1995)], 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective MAR 17 1995, for a maximum of 150 days.

SUBPART A: SCHOOL ACCREDITATION

Section 1.100 Waiver and Modification of State Board Rules and School Code Mandates
EMERGENCY

- a) In order to request a waiver as authorized in Section 2-3.25g of the School Code, the school board or independent authority representing the school must complete the waiver request form designated by the State Board and approve the submission of the request at a public board meeting. The State Superintendent will review the waiver request as to the impact of the waiver, if granted, on school improvement issues. The State Superintendent may request additional information or assurances from the district. The decision of the State Superintendent to grant or deny the waiver is final.
 b) A panel of persons interested in student performance and school improvement issues will review all waivers acted upon by the State Superintendent. The panel will periodically forward to the State Superintendent recommendations on the issues raised in the waiver

STATE BOARD OF EDUCATION

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requests:

- e) A request to extend an approved waiver shall be made in the same manner and on the same form as an original waiver request and shall be approved or disapproved in the same manner as an original request.
 d) School improvement issues means those issues which arise in the course of preparing for or implementing the procedures or requirements of this Subpart.
 a) As authorized in Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g, see P.A. 89-3, effective February 27, 1995], a school district or independent authority established pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f] may petition for:
 1) State Board approval of waivers or modifications of State Board of Education rules and of modifications of School Code mandates to allow a district to meet the intent of the rule or mandate in a more effective, efficient or economical manner or when necessary to stimulate innovation or to improve student performance; and/or
 2) General Assembly approval of waivers of School Code mandates as necessary to stimulate innovation or improve student performance.
 b) "The School Code" comprises only those statutes compiled at 105 ILCS 5. Waivers from State Board rules or School Code mandates pertaining to special education, teacher certification, or teacher tenure and seniority are not permitted (Section 2-3.25g of the School Code).
 c) Each application for a waiver or modification shall provide the following, on a form supplied by the State Board of Education.
 1) Identification of the rule(s) or mandate(s) involved, either by quoting the exact language of or by providing a citation to the rule(s) or mandate(s) at issue. Districts unable to determine the exact language or citation may obtain a copy of, or citation to, the rule(s) or mandate(s) involved by contacting the State Board of Education Legal Department by mail at 100 North First Street, Springfield, Illinois, 62777-0001, by telephone at 217-782-5270, or by Internet mail to isbelaw@spr5.isbe.state.il.us.
 2) Identification as to the specific waiver(s) and/or modification(s) sought. For modifications, the specific modified wording of the rule(s) or mandate(s) must be stated.
 3) Identification as to whether the request is for an initial waiver or modification or for the renewal of a previously approved request.
 4) For requests based upon meeting the intent of the rule or mandate in a more effective, efficient, or economical manner, a narrative description which sets forth:
 A) the intent of the rule or mandate to be achieved,
 B) the manner in which the district will meet that intent,
 C) how the manner proposed by the district will be more effective, efficient or economical, and
 D) if the district proposes a more economical manner, a fiscal

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

analysis showing current expenditures related to the request and the projected savings that would result from approval of the request.

- 5) If the request is necessary for stimulating innovation or improving student performance, the request must include the specific plan for improved student performance and school improvement upon which the request is based. This plan must include a description of how the district will determine success in the stimulation of innovation or the improvement of student performance.
- 6) The time period for which the waiver or modification is sought. Pursuant to Section 2-3.25g of the School Code, such time period may not exceed five years.
- 7) An assurance stating the date(s) of the public hearing(s) on the application and, if applicable, specific plan for improved student performance and school improvement, held as prescribed in Section 2-3.25g of the School Code, and stating the date the application (and, if applicable, the plan) was approved by the local board of education.
- d) Applications must be sent by certified mail, return receipt requested, and addressed as specified on the application form.
- e) Applications must be postmarked not later than 15 calendar days following local board of education approval. Applications addressed other than as specified on the application form shall not be processed.
- f) Applications for the waiver or modification of State Board rules or for the modification of School Code mandates shall be deemed approved and effective 46 calendar days after the date of receipt by the State Board of Education unless disapproved in writing. Receipt by the State Board shall be determined by the date of receipt shown on the return receipt form.
- g) The State Board may disapprove a request for the waiver or modification of State Board rules or for the modification of School Code mandates if the request:
 - 1) is not based upon sound educational practices,
 - 2) endangers the health or safety of students or staff,
 - 3) compromises equal opportunities for learning, or
 - 4) does not address the intent of the rule or mandate in a more effective, efficient or economical manner or does not have improved student performance as a primary goal.
- h) Disapproval of an application for a waiver or modification of a State Board rule or for a modification of a School Code mandate shall be sent by certified mail to the applicant no later than 45 calendar days after receipt of the application by the State Board. An applicant wishing to appeal the denial of a request may do so within 30 calendar days after receipt of the denial, by following the directions set forth in the denial letter. Appeals of denials shall be submitted to the General Assembly in the semiannual report required under Section

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2-3.25g of the School Code.

- i) Applications for General Assembly approval of waivers of School Code mandates will be reviewed for completeness. Each incomplete application shall be returned to the applicant with an explanation as to the deficiencies. Complete applications shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code.

(Source: Emergency amendment at 19 Ill. Reg. 513, effective MAR 17 1995, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: Peremptory Action:
310. Appendix A, Table Z Amended
- 4) Reference to the specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking:
Section 2 of the Illinois Administrative Procedures Act [5 ILCS 100/2]
- 5) Statutory Authority: 20 ILCS 415/8a.2
- 6) Effective Date: March 14, 1995
- 7) A Complete Description of the Subjects and Issues Involved:
In Section 310. Table Z, RC-063 (Physicians, AFSCME), the new title of Physician Specialist, Option E, is being added with the salary range of \$8,261 to \$10,776, effective February 16, 1995.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principle Office: March 14, 1995
- 10) Is this Rule in compliance with Section 5-50 of the Illinois Administrative Procedures Act? Yes
- 11) Are there any proposed amendments pending to this part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310. Appendix A, Table L	Amended	19 Ill. Reg. 764 (January 27, 1995)
310.230	Amended	19 Ill. Reg. 2365 (March 3, 1995)
310.290	Amended	19 Ill. Reg. 2365 (March 3, 1995)
310.230	Amended	19 Ill. Reg. 3456 (March 17, 1995)

- 12) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF PEREMPTORY AMENDMENT

- 13) The name, address and telephone number of the person to whom information and questions concerning this peremptory rule shall be directed to:

Within 45 days, comments should be written and addressed to:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706

Telephone: (217) 782-5601

The full text of the Peremptory Amendment is as follows:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 1995
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Innate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section

310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Public Service Administrator Class Series
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1995
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A

Negotiated Rates of Pay

TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
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TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
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TABLE C	RC-069 (Firefighters, AFSCME)
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TABLE D	HR-001 (Teamsters Local #726)
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TABLE E	RC-020 (Teamsters Local #330)
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TABLE F	RC-019 (Teamsters Local #25)
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TABLE G	RC-045 (Automotive Mechanics, IFPE)
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TABLE H	RC-006 (Corrections Employees, AFSCME)
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TABLE I	RC-009 (Institutional Employees, AFSCME)
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TABLE J	RC-014 (Clerical Employees, AFSCME)
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TABLE K	RC-023 (Registered Nurses, INA)
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TABLE L	VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
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TABLE M	RC-110 (Conservation Police Lodge)
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TABLE N	RC-010 (Professional Legal Unit, AFSCME)
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TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
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TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
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TABLE Q	RC-033 (Meat Inspectors, IFPE)
---------	--------------------------------

TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
---------	---

TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
---------	--

TABLE T	HR-010 (Teachers of Deaf, IFT)
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TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
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TABLE V	CU-500 (Corrections, Meet and Confer Employees)
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TABLE W	RC-062 (Technical Employees, AFSCME)
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TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1995
APPENDIX C	Medical Administrator Rates for Fiscal Year 1995
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1995
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Public Service Administrator Class Series Salary Schedule

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code [20 ILCS 415/8a(2)].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11999, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3225, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6231, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 31, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5125, effective **MAR 14 1995**.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE Z RC-063 (Physicians, AFSCME)

Effective July 1, 1994

S T E P S					
la 1/	1	2	3	4	5
Physician	5403	5565	5884	6207	6850
Physician Specialist	5713	5884	6249	6614	7340
Option A					
Physician Specialist	6234	6421	6805	7190	7577
Option B					
Physician Specialist	6960	7169	7597	8027	8454
Option C					
Physician Specialist	7793	8027	8454	8882	9310
Option D					
Physician Specialist	8261	8509	8961	9415	9869
Option E					
Physician Specialist					10323
					10776

1/Entry level step in first year of contract.

Effective July 1, 1995

S T E P S					
lb 2/	1a	1	2	3	4
Physician	5403	5565	5732	6061	6393
Physician Specialist	5713	5884	6061	6436	6812
Option A					
Physician Specialist	6234	6421	6614	7009	7406
Option B					
Physician Specialist	6960	7169	7384	7825	8268
Option C					
Physician Specialist	7793	8027	8268	8708	9148
Option D					
Physician Specialist	8261	8509	8764	9230	9697
Option E					
Physician Specialist					10633
					11099

2/Entry level step in second year of contract.

Effective July 1, 1996

S T E P S					
lc 3/	lb 2/	1a	1	2	3
Physician	5403	5565	5732	5904	6243
Physician Specialist	5713	5884	6061	6243	6629
Option A					
Physician Specialist	6234	6421	6614	6812	7219
					7628
					8038
					8446
					8855

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Option B	6960	7169	7384	7606	8060	8516	8969	9422	9877
Physician Specialist									
Option C	7793	8027	8268	8516	8969	9422	9877	10332	10785
Physician Specialist									
Option D	8261	8509	8764	9027	9988	10470	10952	11432	
Physician Specialist									

3/Entry level step in third year of contract.

(Source: ~~Regulation~~ amendment at 19 Ill. Reg. **6145**, effective
MAR 14 1995)

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PUBLIC INFORMATION

NOTICE OF ACCEPTANCE OF AN APPLICATION
 COMMERCE BANCSHARES, INC., KANSAS CITY, MISSOURI TO ACQUIRE
 CHILLICOTHE STATE BANCORP, INC., CHILLICOTHE, ILLINOIS

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957, as amended, 205 ILCS 10/3.071(d) (1992), notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by Commerce Bancshares, Inc., 1000 Walnut Street, Kansas City, Missouri, 64199-3686, to acquire Chilloicthe State Bancorp, Inc., 1057 North Second Street, Chilloicthe, Illinois, 61523.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to:

Elyse G. Pearlman
 Commissioner of Banks and Trust Companies
 310 South Michigan Ave.
 Suite 2130
 Chicago, Illinois 60604

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PUBLIC INFORMATION

NOTICE OF ACCEPTANCE OF AN APPLICATION
NATIONAL CITY BANCSHARES, INC., EVANSVILLE, INDIANA
TO ACQUIRE WHITE COUNTY BANK, CARMi, ILLINOIS

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957, 205 ILCS 10/3.071(d) (1992), notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by National City Bancshares, Inc., 227 Main Street, Evansville, Indiana 47708, to acquire White County Bank, 215 E. Main Street, Carmi, Illinois 62821.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to:

Dina A. Mansour
Commissioner of Banks and Trust Companies
310 South Michigan Ave.
Suite 2130
Chicago, Illinois 60604

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 14, 1995 through March 20, 1995, and have been scheduled for review by the Committee at its April 18, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
4/27/95	Department of the Lottery, Lottery (General) (11 Ill Adm Code 1770)	1/27/95 19 Ill Reg 791	4/18/95
4/29/95	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	1/27/95 19 Ill Reg 764	4/18/95
4/30/95	Illinois Racing Board, Superfecta (11 Ill Adm Code 311)	1/20/95 19 Ill Reg 568	4/18/95
5/3/95	Department of Public Aid, Child Support Enforcement (89 Ill Adm Code 160)	9/23/94 18 Ill Reg 14296	4/18/95
5/3/95	Illinois Commerce Commission, Applications (92 Ill Adm Code 1202)	1/20/95 19 Ill Reg 522	4/18/95
5/3/95	Illinois Commerce Commission, Fees and Taxes (92 Ill Adm Code 1205)	1/20/95 19 Ill Reg 525	4/18/95

PROCLAMATIONS

95-107

AFRICAN AMERICAN CONTRACTORS DAY

Whereas, the African American Contractors Association (AACA) has long been a champion of the cause of minorities working in the construction industry; and whereas, the AACA provides construction financing for contractors through a contractor financing program which is supported by government and private corporations; and

Whereas, the AACA is dedicated to assisting and helping to develop African American contractors and businesses; and

Whereas, the Association will hold their Sixth Annual Membership and Awards Reception in celebration of their sixth anniversary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 22, 1995, as AFRICAN AMERICAN CONTRACTORS DAY in Illinois.

Issued by the Governor March 9, 1995.

Filed by the Secretary of State March 16, 1995.

95-108

LONESOME CHARLEY DAY

Whereas, "Lonesome Charley" Reynolds was born on March 20, 1842, in Warren County, Illinois, the son of a respectable family physician, and later attended school at Abingdon College; and

Whereas, in 1859, he moved with his family to Atchison County, Kansas. From there, he journeyed farther West to search for gold and try his hand at trapping; and

Whereas, in 1861, the Civil War had erupted and Charley joined a regiment of Kansas volunteers. He fought at the Missouri-Kansas border and worked as an escort along the Santa Fe Trail; and

Whereas, he took up trapping and hunting in the years following the Civil War, furnishing game to various military posts throughout the Dakota country; and

Whereas, by 1869, Charley had entered the wild upper Missouri region where he worked as a hunter and guide and ultimately met Colonel George Custer and guided Custer's Black Hills expedition of 1874; and

Whereas, in 1876, he was employed by Custer as a scout for the Big Horn expedition which left Fort Abraham Lincoln in May and he was assigned to Reno's battalion in June; and

Whereas, precisely how Charley died on June 25, 1876, at the Battle of the Little Bighorn has been disputed, but it is certain that he died with tremendous strength and courage;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 20, 1995, as LONESOME CHARLEY DAY in Illinois.

Issued by the Governor March 10, 1995.

Filed by the Secretary of State March 16, 1995.

95-109

CERTIFIED NURSE ASSISTANT DAY

Whereas, Certified Nurse Assistants working long-term care facilities

provide compassionate and concerned care for residents and their families; and Whereas, Certified Nurse Assistants provide nearly 90 percent of the direct nursing care given to residents in long-term care facilities; and Whereas, Certified Nurse Assistants have improved the quality of life for tens of thousands of frail and elderly citizens of Illinois; and Whereas, Certified Nurse Assistants help restore residents to their highest functioning level;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1, 1995, as CERTIFIED NURSE ASSISTANT DAY in Illinois in recognition of this state's 195,838 Certified Nurse Assistants.

Issued by the Governor March 13, 1995.

Filed by the Secretary of State March 16, 1995.

95-110

LONG-TERM CARE NURSES WEEK

Whereas, Long-Term Care Nurses in the State of Illinois have committed themselves to provide the highest quality of care to the young, old, and disabled of our state; and

Whereas, Long-Term Care Nurses are faced with ever increasing medical demands to rehabilitate and provide the best possible quality of life for their residents; and

Whereas, more than 1,000 licensed long-term care and extended care facilities will continue to look to Long-Term Care Nurses for support and leadership; and

Whereas, the Illinois Health Care Association, representing more than 410 of the state's long-term care providers, along with the Extended Care Nurses Association declare May 6-12, 1995, as Illinois' Long-Term Care Nurses Week;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 6-12, 1995, as LONG-TERM CARE NURSES WEEK in Illinois to celebrate the continued dedication nurses provide to quality long-term care.

Issued by the Governor March 13, 1995.

Filed by the Secretary of State March 16, 1995.

95-111

NURSING HOME WEEK

Whereas, the long-term care facilities in Illinois are dedicated to providing the very finest in health care for our convalescent, aged, and chronically ill citizens; and

Whereas, the dedication has been forcefully demonstrated through continual striving to upgrade standards of care and improve service; and

Whereas, member facilities of the Illinois Health Care Association and the Association itself are sponsoring many programs for LifeCare activities in observance of National Nursing Home Week beginning May 14, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 14-20, 1995, as NURSING HOME WEEK in Illinois, and I express the appreciation of all our citizens for the high standard of care that long-term facilities are providing in Illinois.

Issued by the Governor March 13, 1995.

Filed by the Secretary of State March 16, 1995.

95-112

ARMENIAN MARTYRS DAY

Whereas, the Armenian community is commemorating the 80th anniversary of the Armenian Genocide; and

Whereas, 80 years ago Armenians were forced to witness the slaughter of their relatives and the loss of their ancestral homelands. The extermination of more than 1.5 million Armenians and the forced deportation of countless others by Ottoman Turks in 1915 is remembered every year; and

Whereas, ancestral Armenian lands have not been returned to the Armenian people; and

Whereas, the Armenian-Americans have been forthright in their efforts to proudly preserve their culture, language, and heritage; and

Whereas, the Armenians continue to be a people full of hope, working side by side for the future of Armenia. Through their faith and pride in their heritage, the Armenians remain a strong and courageous people working toward rebuilding a firm foundation for Armenia; and

Whereas, the Armenian-Americans have made humanitarian efforts to rebuild Armenia by sending food and medical supplies, as well as funding to support the economy in areas such as education and agriculture. Together they are creating a strong sense of pride and nationalism; and

Whereas a display of Armenian culture and history will be shown April 12-30 at the James R. Thompson Center and a special exhibit will be held April 23-30;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 24, 1995, as ARMENIAN MARTYRS DAY in Illinois and I commend the Armenian-Americans in the state for their contributions in all areas of life.

Issued by the Governor March 14, 1995.

Filed by the Secretary of State March 16, 1995.

95-113

BREASTFEEDING PROMOTION MONTH

Whereas, during the month of May, the Illinois Department of Public Health, in coordination with Regional Breastfeeding Task Forces, public and private organizations, and physicians and hospitals throughout Illinois, is promoting the importance of breastfeeding; and

Whereas, this observance reminds Illinoisans that breastfeeding is nutritionally the best choice for infant feeding; and

Whereas, one of the Surgeon General's Year 2000 Health Promotion/Disease Prevention Objectives for the nation is to increase the percentage of women who breastfeed their babies at birth to 75 percent, and to increase the number of mothers who have continued breastfeeding five to six months later to 50 percent; and

Whereas, only 29.2 percent of Illinois mothers choose to breastfeed their infants at birth and only 11.2 percent of Illinois mothers have continued breastfeeding five to six months later -- percentages that are well below the national averages and the Surgeon General's Breastfeeding Objectives for the nation; and

Whereas, increased evidence links education, determination, and support to the success of breastfeeding;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May

1995 as BREASTFEEDING PROMOTION MONTH in Illinois and urge our communities to offer breastfeeding education and support to assure parents the opportunity of making informed choices about feeding their infants.

Issued by the Governor March 14, 1995.

Filed by the Secretary of State March 16, 1995.

95-114

LA PETITE DELTA DAY

Whereas, Delta Sigma Theta Sorority, Inc., a public service organization, was founded at Howard University in 1913; and

Whereas, the sorority founders envisioned an organization of collegiate women pledged to philanthropic endeavors and community service, and their ideals of service and commitment to scholarship have withstood the test of time; and

Whereas, since its inception in January 1976, the Springfield-Decatur Area Alumnae Chapter of Delta Sigma Theta Sorority, Inc., has been committed to fostering high ideals in areas such as education, economic development, social action, and mental health; and

Whereas, commencing in 1983, the FEPA Petite DeltaFE program has provided educational and cultural enrichment activities for young ladies in the Springfield and Decatur areas who are in the 8th grade. The program offers a series of workshops, field trips, and educational activities over a five-month period to help participants develop into positive role models for our communities; and

Whereas, the La Petite Delta gala will be held March 18, 1995, marking the program's 13th celebration;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 18, 1995, as LA PETITE DELTA DAY in Illinois. I extend best wishes to the 37 program participants and the members of the Springfield-Decatur Area Alumnae Chapter of Delta Sigma Theta Sorority.

Issued by the Governor March 14, 1995.

Filed by the Secretary of State March 16, 1995.

95-115

METROPOLITAN PIER AND EXPOSITION AUTHORITY EMPLOYEE LONGEVITY DAY

Whereas, the Metropolitan Pier and Exposition Authority is a political subdivision, a unit of local government charged with the duty to promote, operate, and maintain fairs, expositions, and conventions in the Chicago metropolitan area; and

Whereas, in addition, the Metropolitan Pier and Exposition Authority is charged with the responsibility to provide for the recreational, cultural, commercial, or residential development of Navy Pier; and

Whereas, on April 22, 1995, the Metropolitan Pier and Exposition Authority will pay tribute to those employees who have served the Authority for five years or more; and

Whereas, with more than four million annual conventions, trade show and corporate meeting travelers visiting the McCormick Place Complex and Navy Pier, it is the veritable meeting/marketing place of the world; and

Whereas, Metropolitan Pier and Exposition Authority employees who perform the myriad of tasks needed to make meetings and shows run smoothly, have

consistently contributed to enhancing the image of the State of Illinois, City of Chicago, the McCormick Place Complex, and Navy Pier;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 22, 1995, as METROPOLITAN PIER AND EXPOSITION AUTHORITY EMPLOYEE LONGEVITY DAY in Illinois in recognition of the many years of commitment to public service which these employees have demonstrated. I urge all citizens of the State of Illinois to join me in acknowledgment of their commendable devotion to their jobs.

Issued by the Governor March 14, 1995.

Filed by the Secretary of State March 16, 1995.

95-116

READ ILLINOIS MONTH

Whereas, Illinoisans everywhere should reflect on their state's proud literary heritage; and

Whereas, Illinois authors, such as Carl Sandburg, Ernest Hemingway, Edgar Lee Masters, Vachel Lindsay, and John Dos Passos, hold prominent places in America's literary history; and

Whereas, Illinois also boasts internationally recognized literary magazines and presses; and

Whereas, the Illinois Center for the Book was founded in 1985 and since then the Center has sponsored a variety of highly successful public programs that have stimulated interest in books and reading throughout Illinois; and

Whereas, the opening ceremony of the Literary Heritage Conference will also be in October;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1995 as READ ILLINOIS MONTH in Illinois.

Issued by the Governor March 14, 1995.

Filed by the Secretary of State March 16, 1995.

95-117

SHIP WEEK

Whereas, Illinois's aging and disabled populations are expanding dramatically each year; and

Whereas, the insurance programs which have been developed to serve these populations are complex and confusing; and

Whereas, government alone cannot solve all of the problems that this current insurance system has created; and

Whereas, Senior Health Insurance Program (SHIP) volunteers form the foundation of the Illinois Insurance Department's effort to educate and assist these Medicare beneficiaries; and

Whereas, more than 800 volunteers have contributed nearly 50,000 hours to assist more than 26,000 clients, thereby saving these Illinois citizens in excess of \$750,000; and

Whereas, the SHIP volunteers who contribute both their time and talents to better the lives of Illinois's Medicare beneficiaries go unrewarded and unrecognized;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 5-11, 1995, as SHIP WEEK in Illinois and commend each of the volunteers who provide invaluable assistance and guidance to the Medicare consumers of the

State of Illinois through the Senior Health Insurance Program.

Issued by the Governor March 14, 1995.

Filed by the Secretary of State March 16, 1995.

95-118

VOLUNTEER WEEK

Whereas, our nation was built upon a spirit of volunteerism, and the talents and energies of American volunteers continue to be one of our greatest resources; and

Whereas, America cannot depend on government alone to solve all of its societal problems; and

Whereas, volunteerism is increasingly recognized as an important partner with government and industry in doing the work of the nation; and

Whereas, the active involvement of citizens in Illinois is needed today more than ever to combat growing human and social problems, to renew our belief that these problems can be solved, and to strengthen our sense of community; and

Whereas, volunteering offers all citizens -- young and old -- the opportunity to participate in the life of their community and lend their talents and resources, making change possible, to address some of the major issues facing our state; and

Whereas, it is fitting for all citizens to join in this celebration of our rich volunteer heritage and give special recognition to the dedicated volunteers and volunteer programs that contribute immeasurably to community throughout Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 23-29, 1995, as VOLUNTEER WEEK in Illinois.

Issued by the Governor March 14, 1995.

Filed by the Secretary of State March 16, 1995.

95-119

DINNER OF CHAMPIONS DAY

Whereas, Multiple Sclerosis (MS) is a neurological disease affecting the central nervous system, including the brain and spinal cord; and

Whereas, MS is the number one disabling disease affecting young adults, usually between the ages of 20 and 40; and

Whereas, the National Multiple Sclerosis Society, a voluntary health agency, was established in 1946 when a small group of patients and their families joined together to overcome this perplexing disease of the central nervous system; and

Whereas, on May 4, 1995, business and civic leaders will join the Chicago-Greater Illinois Chapter in hosting a FEDinner of Champions to honor people and organizations who have shown outstanding humanitarian endeavors and dedication;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 4, 1995, as DINNER OF CHAMPIONS DAY in Illinois.

Issued by the Governor March 15, 1995.

Filed by the Secretary of State March 16, 1995.

95-120

LOGISTICS WEEK

Whereas, the Council of Logistics Management, founded in 1963, and its later-founded affiliate, the Chicago Roundtable, are nonprofit educational organizations that promote the logistics process in our state and our nation; and

Whereas, the council defines logistics as the process of planning, implementing, and controlling the efficient, cost-effective flow and storage of raw materials, in-process inventory, finished goods, and related information from point of origin to point of consumption for the purpose of conforming to customer requirements; and

Whereas, logistics processes contribute to the economic well-being of Illinois, boosting economic growth and business; and

Whereas, the council is observing April 3-7, 1995, as Logistics Week to promote the understanding of the art and science of logistics;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 3-7, 1995, as LOGISTICS WEEK in Illinois.

Issued by the Governor March 15, 1995.

Filed by the Secretary of State March 16, 1995.

95-121

LONG-TERM CARE ADMINISTRATORS WEEK

Whereas, the good health and general well-being of the people of Illinois are enhanced as a direct result of the noteworthy contributions faithfully rendered by long-term care administrators who remain dedicated to managing facilities and personnel, and who exhibit skill and leadership of the highest degree; and

Whereas, these professionals provide care for individuals in need of specialized and long-term care while never forgetting each resident's need for dignity and encouragement; and

Whereas, such vital responsibilities require long-term care administrators to be knowledgeable in a variety of fields and issues, and such commitment ensures that quality standards are maintained in our long-term care facilities; and

Whereas, Illinois is pleased to celebrate this special week as long-term care administrators in this state and region are being recognized for their sincere interest in professional development as well as their ongoing record of caring;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 20-26, 1995, as LONG-TERM CARE ADMINISTRATORS WEEK in Illinois.

Issued by the Governor March 15, 1995.

Filed by the Secretary of State March 16, 1995.

95-122

MALCOLM X COLLEGE CAREER EXPO DAYS

Whereas, Malcolm X College, one of the City Colleges of Chicago, serves a culturally rich and diverse community and is dedicated to empowerment through education; and

Whereas, Malcolm X College offers innovative and progressive programs in radiology, nursing, dietetic technology, nephrology/renal technology, medical

laboratory technology, cardiopulmonary therapy, pharmacology, physician assistant training, emergency medical technology/paramedical training, mortuary science/pathology assistant training, radiation therapy, surgical technician, child development, business, secretarial sciences, liberal arts, adult learning skills, and adult continuing education; and

Whereas, Malcolm X College's Sixth Annual Career Expo and Health Fair will be held March 21-23, 1995, and is expected to draw more than 2,000 students and community residents and more than 100 health facilities, corporations, government agencies, nonprofit organizations, high schools, and universities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 21-23, 1995, as MALCOLM X COLLEGE CAREER EXPO DAYS in Illinois.

Issued by the Governor March 15, 1995.

Filed by the Secretary of State March 16, 1995.

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PR - Proposed Repealer
	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR* Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR*	S - Suspension ordered by JCAR*
	W - Withdrawal to meet JCAR*
O - JCAR* Statement Of Objections	
RQ - Request for Correction	MR - Modification and Refusal
EC - Expedited Corrections	
	*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

AGING, DEPARTMENT ON	
89 Ill. Adm. Code 240	Community Care Program (P-1363)
AGRICULTURE, DEPARTMENT OF	
8 Ill. Adm. Code 255	Agrichemical Facilities (P-1)
8 Ill. Adm. Code 60	Bees And Apiary Act (P-754)
8 Ill. Adm. Code 256	Lawn-care Wash Water And Rinsate Collection (P-13)
8 Ill. Adm. Code 125	Meat And Poultry Inspection Act (PP-1342)
8 Ill. Adm. Code 600	Weights And Measures Act (P-2356)
ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF	
77 Ill. Adm. Code 2090	Subacute Alcoholism And Substance Abuse Treatment Services (P-1156) (P-3106)
AUDITOR GENERAL	
2 Ill. Adm. Code 601	Freedom Of Information (A-4995)
CAPITAL DEVELOPMENT BOARD	
44 Ill. Adm. Code 950	Bidder Responsibility, Prequalification And Suspension Of Contractors (P-2074) (PR-2087)
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
44 Ill. Adm. Code 5000	Acquisition, Management & Disposal Of Real Property (P-5057/94:A-585)

80 Ill. Adm. Code 303	Conditions Of Employment (P-2524)
80 Ill. Adm. Code 302	Merit And Fitness (P-2539)
80 Ill. Adm. Code 310	Pay Plan (P-764) (P-14256/94:A-1024) (P-2365) (PP-2481) (PP-3073) (P-3122) (P-16490/94:A-3456) (PP-5145)
80 Ill. Adm. Code 2110	State Of Illinois Dependent Care Assistance Plan (P-774)
80 Ill. Adm. Code 2120	State Of Illinois Medical Care Assistance Plan (P-779)
80 Ill. Adm. Code 3000	The Travel Regulation Council (P-2093)
80 Ill. Adm. Code 2800	Travel (P-12567/94:A-36) (P-2098)
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
89 Ill. Adm. Code 304	Access To And Eligibility For Child Welfare Services (P-3601)
89 Ill. Adm. Code 336	Appeal Of Child Abuse And Neglect Investigation Findings (P-11407/94:A-3465)
89 Ill. Adm. Code 434	Audits, Reviews, And Investigations (P-8777/94:A-2760)
89 Ill. Adm. Code 359	Authorized Child Care Payments (P-3610)
89 Ill. Adm. Code 380	Background Check Of Foster Family Home Applicants (P-3616) (B-4753)
89 Ill. Adm. Code 305	Client Service Planning (P-3619)
89 Ill. Adm. Code 428	Department Advisory Council, Illinois Juvenile Justice Commission And Other Statewide And Regional Committees (P-561/94:A-1043)
89 Ill. Adm. Code 301	Foster Care Placement Goal (P-3633)
89 Ill. Adm. Code 406	Licensing Standards For Day Care Homes (P-2683/94:RC-2314) (P-2683/94:A-2765)
89 Ill. Adm. Code 402	Licensing Standards For Foster Family Homes (P-8237/94:A-1801) (P-3648)
89 Ill. Adm. Code 408	Licensing Standards For Group Day Care Homes (P-2700/94:RC-2315) (P-2700/94:A-2784)
89 Ill. Adm. Code 335	Relative Home Placement (PR-3666)
89 Ill. Adm. Code 300	Reports Of Child Abuse & Neglect (P-8240/94:A-3469) (P-3684)
89 Ill. Adm. Code 337	Service Appeal Process (P-3719)
89 Ill. Adm. Code 302	Services Delivered By The Department (P-1372) (P-3730)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

14 Ill. Adm. Code 550	Local Tourism And Convention Bureau Program (P-14189/94:A-1808)
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COMMERCE COMMISSION, ILLINOIS

92 Ill. Adm. Code 1202	Applications (P-522)
92 Ill. Adm. Code 1205	Fees And Taxes (P-525)
92 Ill. Adm. Code 1536	Grade Crossing Closure & Opening (P-2550)
83 Ill. Adm. Code 410	Standards Of Service For Electric Utilities (P-14521/94:A-2804)

COMMUNITY COLLEGE BOARD, ILLINOIS

23 Ill. Adm. Code 1501 Administration Of The Illinois Public Community College Act (P-12575/94;A-2299)
(P-13562/94;A-2816)

COMPTROLLER MERIT COMMISSION

80 Ill. Adm. Code 100 Merit Commission Rules (P-12585/94;A-206)

COMPTROLLER, OFFICE OF THE

74 Ill. Adm. Code 285 Claim Eligible To Be Offset (P-12944/94;A-227)

CONSERVATION, DEPARTMENT OF

17 Ill. Adm. Code 130 Camping On Department Of Conservation Properties (P-1378)
17 Ill. Adm. Code 2520 Consignment Of Licenses And Stamps (P-3131)
17 Ill. Adm. Code 1075 Consultation Procedures For Assessing Impacts Of Agency Actions On Endangered And Threatened Species And Natural Areas (P-14259/94;A-594)
17 Ill. Adm. Code 2030 Designation Of Restricted Waters In The State Of Illinois (P-3745)
17 Ill. Adm. Code 110 Public Use Of State Parks & Other Properties Of The Department Of Conservation (P-1387)
17 Ill. Adm. Code 810 Sport Fishing Regulations For The Waters Of Illinois (P-17297/94;A-2396)
17 Ill. Adm. Code 710 The Taking Of Wild Turkeys-Spring Season (P-16500/94;A-2450)
17 Ill. Adm. Code 670 White-Tailed Deer Hunting By Use Of Bow And Arrow (P-1393)
17 Ill. Adm. Code 650 White-Tailed Deer Hunting By Use Of Firearms (P-1414)
17 Ill. Adm. Code 660 White-Tailed Deer Hunting Season By Use Of Muzzleloading Rifles (P-1437)

CORRECTIONS, DEPARTMENT OF

20 Ill. Adm. Code 425 Chaplaincy (P-152)

EDUCATION, STATE BOARD OF

23 Ill. Adm. Code 180 Health/Life Safety Code For Public Schools (A-5004)
23 Ill. Adm. Code 401 Nonpublic Special Education Facilities (P-9756/94;O-2316;PF-2317)
23 Ill. Adm. Code 1 Public Schools Evaluation, Recognition & Supervision (P-4783) (E-5137)

ENVIRONMENTAL PROTECTION AGENCY

35 Ill. Adm. Code 691 Annual Testing Fees For Analytical Services (P-3756)
35 Ill. Adm. Code 871 General Conditions Of State Of Illinois Grants For Nonhazardous Solid Waste Planning And Enforcement (P-2103)

35 Ill. Adm. Code 372 Illinois Design Standards For Slow Rate Land Application Of Treated Wastewater (P-4524/94;A-1297)
35 Ill. Adm. Code 870 Procedures For Issuing Solid Waste Planning And Enforcement Grants (P-2144)

FARM DEVELOPMENT AUTHORITY, ILLINOIS

8 Ill. Adm. Code 1400 Illinois Farm Development Authority (P-1164)

FINANCIAL INSTITUTIONS, DEPARTMENT OF

38 Ill. Adm. Code 110 Consumer Installment Loan Act (P-14291/94;A-44)
38 Ill. Adm. Code 190 Illinois Credit Union Act (P-16764/94;A-2826)
38 Ill. Adm. Code 160 Sales Finance Agency Act (P-14276/94;A-49)

FIRE MARSHAL, OFFICE OF THE STATE

41 Ill. Adm. Code 120 Boiler And Pressure Vessel Safety (P-2557)
41 Ill. Adm. Code 200 Storage, Transportation, Sale & Use Of Liquefied Petroleum Cases (P-2576)

HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS

77 Ill. Adm. Code 2510 Data Collection (P-14533/94;A-1825) (P-2189)

HIGHER EDUCATION, BOARD OF

23 Ill. Adm. Code 1020 Health Services Education Grants Act (P-11684/94;A-928)

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

47 Ill. Adm. Code 366 Affordable Housing Bond Program-Single Family (P-1452) (E-1921)

INDUSTRIAL COMMISSION

50 Ill. Adm. Code 7060 Judicial Review (P-16217/84;A-2496/85;RQ-292)

INSURANCE, DEPARTMENT OF

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720.121	am	(P-3775)	725.505	am	(P-3833)	870.2.09	f	(P-2144)	200.230	f	(P-2576)			
720.130	am	(P-3775)	725.506	am	(P-3833)	870.2.10	am	(P-2144)	200.240	f	(P-2576)			
720.131	am	(P-3775)	725.933	am	(P-3833)	870.2.09	am	(P-2144)	200.250	f	(P-2576)			
721.102	am	(P-3789)	725.963	am	(P-3833)	870.2.11	am	(P-2144)	200.260	f	(P-2576)			
721.103	am	(P-3789)	725.980	n	(P-3833)	870.2.12	am	(P-2144)	200.270	f	(P-2576)			
721.104	am	(P-3789)	725.981	n	(P-3833)	870.2.12	am	(P-2144)	200.280	f	(P-2576)			
721.106	am	(P-3789)	725.982	n	(P-3833)	870.3.01	am	(P-2144)	200.280	f	(P-2576)			
721.Ap.1	am	(P-3789)	725.983	n	(P-3833)	870.3.02	am	(P-2144)	200.290	f	(P-2576)			
Tb.A	am	(P-3789)	725.984	n	(P-3833)	870.3.03	am	(P-2144)	200.300	f	(P-2576)			
Tb.B	am	(P-3789)	725.985	n	(P-3833)	870.3.04	am	(P-2144)	200.310	f	(P-2576)			
Tb.C	am	(P-3789)	725.986	n	(P-3833)	870.3.05	am	(P-2144)	200.320	f	(P-2576)			
Tb.D	am	(P-3789)	725.987	n	(P-3833)	870.3.06	am	(P-2144)	200.330	f	(P-2576)			
722.122	am	(P-4199)	725.988	n	(P-3833)	870.3.07	f	(P-2144)	610.10	n	(P-15691/94; A-3494)	610.10	n	(P-15691/94; A-3494)
722.134	am	(P-4199)	725.988	n	(P-3833)	870.3.08	am	(P-2144)	610.20	n	(P-15691/94; A-3494)	610.30	n	(P-15691/94; A-3494)
723.130	am	(P-4209)	725.989	n	(P-3833)	870.3.09	am	(P-2144)	610.40	n	(P-15691/94; A-3494)	610.60	n	(P-15691/94; A-3494)
724.101	am	(P-4215)	725.990	n	(P-3833)	871.1.01	am	(P-2103)	610.60	n	(P-15691/94; A-3494)	610.60	n	(P-15691/94; A-3494)
724.113	am	(P-4215)	725.1102	am	(P-3833)	871.1.02	am	(P-2103)	610.70	n	(P-15691/94; A-3494)	610.70	n	(P-15691/94; A-3494)
724.115	am	(P-4215)	726.123	am	(P-4268)	871.1.02	am	(P-2103)	610.80	n	(P-15691/94; A-3494)	610.80	n	(P-15691/94; A-3494)
724.156	am	(P-4215)	726.123	am	(P-4268)	871.2.01	am	(P-2103)	610.90	n	(P-15691/94; A-3494)	610.90	n	(P-15691/94; A-3494)
724.173	am	(P-4215)	726.200	am	(P-4268)	871.2.02	am	(P-2103)						
724.177	am	(P-4215)	726.201	am	(P-4268)	871.2.03	am	(P-2103)	601.10	f	(P-2376)	601.10	f	(P-2376)
724.279	n	(P-4215)	726.201	am	(P-4268)	871.2.04	am	(P-2103)	601.20	f	(P-2376)	601.20	f	(P-2376)
724.300	n	(P-4215)	726.202	am	(P-4268)	871.2.05	am	(P-2103)	601.30	f	(P-2376)	601.30	f	(P-2376)
724.332	n	(P-4215)	726.203	am	(P-4268)	871.3.01	am	(P-2103)	601.40	f	(P-2376)	601.40	f	(P-2376)
724.332	n	(P-4215)	726.204	am	(P-4268)	871.3.02	am	(P-2103)	601.50	f	(P-2376)	601.50	f	(P-2376)
724.701	am	(P-4215)	726.205	am	(P-4268)	871.3.03	am	(P-2103)	601.60	f	(P-2376)	601.60	f	(P-2376)
724.933	am	(P-4215)	726.206	am	(P-4268)	871.3.04	am	(P-2103)	601.70	f	(P-2376)	601.70	f	(P-2376)
724.963	am	(P-4215)	728.101	am	(P-3925)	871.3.05	am	(P-2103)	601.80	f	(P-2376)	601.80	f	(P-2376)
724.963	am	(P-4215)	728.102	am	(P-3925)	871.3.06	am	(P-2103)	601.90	f	(P-2376)	601.90	f	(P-2376)
724.980	n	(P-4215)	728.107	am	(P-3925)	871.4.02	am	(P-2103)	601.100	f	(P-2376)	601.100	f	(P-2376)
724.981	n	(P-4215)	728.109	am	(P-3925)	871.4.03	am	(P-2103)	601.110	f	(P-2376)	601.110	f	(P-2376)
724.982	n	(P-4215)	728.133	am	(P-3925)	871.5.01	am	(P-2103)	601.120	f	(P-2376)	601.120	f	(P-2376)
724.983	n	(P-4215)	728.133	am	(P-3925)	871.5.02	am	(P-2103)	601.130	f	(P-2376)	601.130	f	(P-2376)
724.984	n	(P-4215)	728.138	am	(P-3925)	871.5.03	am	(P-2103)	601.140	f	(P-2376)	601.140	f	(P-2376)
724.985	n	(P-4215)	728.140	am	(P-3925)	871.6.01	am	(P-2103)	925.10	am	(P-2587)	925.10	am	(P-2587)
724.986	n	(P-4215)	728.141	am	(P-3925)	871.6.02	am	(P-2103)	925.20	am	(P-2587)	925.20	am	(P-2587)
724.987	n	(P-4215)	728.142	am	(P-3925)	871.6.03	am	(P-2103)	925.30	am	(P-2587)	925.30	am	(P-2587)
724.988	n	(P-4215)	728.143	am	(P-3925)	871.6.04	am	(P-2103)	925.40	am	(P-2587)	925.40	am	(P-2587)
724.989	n	(P-4215)	728.145	am	(P-3925)	871.6.05	am	(P-2103)	925.50	am	(P-2587)	925.50	am	(P-2587)
724.990	n	(P-4215)	728.146	am	(P-3925)	871.6.06	am	(P-2103)	925.60	am	(P-2587)	925.60	am	(P-2587)
724.991	n	(P-4215)	728.148	am	(P-3925)	871.6.07	am	(P-2103)	925.70	am	(P-2587)	925.70	am	(P-2587)
724.1102	am	(P-4215)	728.149	am	(P-3925)	871.6.08	am	(P-2103)	925.80	am	(P-2587)	925.80	am	(P-2587)
725.101	am	(P-3833)	728.150	am	(P-3925)	871.6.09	am	(P-2103)	925.90	am	(P-2587)	925.90	am	(P-2587)

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